

# Village of Cambridge Zoning Law

Adopted by Board Resolution  
May 6, 2009  
Amended March 7, 2012

A Local Law, governing the location, construction and use of *buildings* and *structures* and the use of land in the Village of Cambridge. The Village Board of Trustees of the Village of Cambridge in the County of Washington, under the authority of the Village Law of the State of New York, hereby ordains, enacts and publishes as follows.

## TABLE OF CONTENTS

ARTICLE I. DEFINITIONS .....	4
SECTION 1.01 DEFINITIONS.....	4
ARTICLE II. INTRODUCTORY PROVISIONS .....	16
SECTION 2.01 TITLE .....	16
SECTION 2.02 ENACTING CLAUSE AND PURPOSE .....	16
SECTION 2.03 INTERPRETATION OF PROVISIONS.....	17
SECTION 2.04 APPLICATION OF PROVISIONS; EFFECT ON OTHER LAWS .....	17
ARTICLE III. PERMIT AND APPROVAL PROCESS.....	18
SECTION 3.01 PERMITS REQUIRED.....	18
SECTION 3.02 VARIANCES AND APPEALS .....	19
SECTION 3.03 FEES.....	19
SECTION 3.04 SUBDIVISION .....	20
SECTION 3.05 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA).....	21
ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS.....	22
SECTION 4.01 ZONING DISTRICTS .....	22
SECTION 4.02 ZONING MAP; INTERPRETATION OF BOUNDARIES; LOTS IN MORE THAN ONE DISTRICT .....	22
ARTICLE V. USE REGULATIONS.....	24
SECTION 5.01 ALLOWABLE USE GROUPS CHART.....	24
SECTION 5.02 ALLOWABLE USES.....	24
SECTION 5.03 DESIGN GUIDELINES .....	24
SECTION 5.04 MAIN STREET MIXED-USE DISTRICT .....	25
SECTION 5.05 GATEWAY COMMERCIAL DISTRICT (GC).....	25
SECTION 5.06 RESIDENTIAL TRANSITION DISTRICT (RT) .....	25
SECTION 5.07 VILLAGE RESIDENTIAL (VR) .....	26
SECTION 5.08 RURAL RESIDENTIAL DISTRICT (RR).....	26
SECTION 5.09 INDUSTRIAL DISTRICT (I) .....	27
SECTION 5.10 ENVIRONMENTAL RESOURCE OVERLAY DISTRICT (ERO) .....	27
SECTION 5.11 HISTORIC OVERLAY DISTRICT (HOD).....	28
SECTION 5.12 STANDARDS FOR CERTAIN USES REQUIRING SPECIAL USE PERMITS.....	28
ARTICLE VI. DIMENSIONAL REQUIREMENTS .....	31
SECTION 6.01 ACCESSORY STRUCTURES .....	31
SECTION 6.02 YARD SETBACKS AT DISTRICT BOUNDARIES.....	31
ARTICLE VII. GENERAL REGULATIONS .....	32
SECTION 7.01 OFF-STREET PARKING.....	32
SECTION 7.02 OFF-STREET LOADING .....	34
SECTION 7.03 SIGNS .....	34
SECTION 7.04 TELECOMMUNICATIONS FACILITIES/TOWERS (TF/T) .....	40
SECTION 7.05 FENCES .....	42
HOME OCCUPATION: LEVEL 1 .....	43
SECTION 7.06 MOBILE HOMES .....	43
SECTION 7.07 CHICKENS.....	44
ARTICLE VIII. CONSERVATION SUBDIVISIONS .....	47
SECTION 8.01 PURPOSE AND APPLICABILITY OF CONSERVATION SUBDIVISIONS.....	47
SECTION 8.02 STANDARDS FOR CONSERVATION SUBDIVISIONS .....	48
SECTION 8.03 PERMANENT OPEN SPACE .....	50
SECTION 8.04 CONSERVATION SUBDIVISION PROCEDURES .....	53
ARTICLE IX. SITE PLAN REVIEW.....	54
SECTION 9.01 PURPOSE .....	54
SECTION 9.02 SITE PLAN REVIEW AND APPROVAL PROCEDURE.....	54
SECTION 9.03 APPLICATION CONTENT .....	55

SECTION 9.04 PLANNING BOARD ACTION ON SITE PLAN APPLICATION .....	57
ARTICLE X. SPECIAL USE PERMITS .....	61
SECTION 10.01 SPECIAL USE PERMIT REVIEW .....	61
SECTION 10.02 PLANNING BOARD ACTION .....	62
SECTION 10.03 SPECIAL USE PERMIT EXPIRATION, REVOCATION AND ENFORCEMENT .....	63
ARTICLE XI. DEMOLITION PERMIT .....	64
SECTION 11.01 PURPOSE .....	64
SECTION 11.02 DEMOLITION PERMIT APPLICATION AND PROCEDURE .....	64
ARTICLE XII. VARIANCES AND APPEALS .....	66
SECTION 12.01 APPEALS FROM OFFICIAL ORDERS, REQUIREMENTS, DECISIONS AND DETERMINATIONS .....	66
SECTION 12.02 APPEALS FOR VARIANCES .....	66
SECTION 12.03 IMPOSITION OF CONDITIONS .....	68
SECTION 12.04 APPEAL PROCESS AND PROCEDURES .....	68
ARTICLE XIII. NON-CONFORMING USES AND STRUCTURES .....	71
SECTION 13.01 NON-CONFORMING USES .....	71
SECTION 13.02 NON-CONFORMING BUILDINGS, STRUCTURES AND LOTS .....	71
ARTICLE XIV. ADMINISTRATIVE PROVISIONS .....	73
SECTION 14.01 GENERAL PROVISIONS .....	73
SECTION 14.02 ZONING ENFORCEMENT OFFICER .....	74
SECTION 14.03 PLANNING BOARD .....	75
SECTION 14.04 ZONING BOARD OF APPEALS .....	76
ARTICLE XV. ENFORCEMENT .....	79
SECTION 15.01 VIOLATIONS .....	79
SECTION 15.02 FINES AND IMPRISONMENT .....	79
SECTION 15.03 RESTRAINT AND REPARATION .....	79
SECTION 15.04 STOP-WORK ORDER .....	80
SECTION 15.05 MISREPRESENTATION .....	80
SECTION 15.06 COMPLAINTS OF VIOLATIONS .....	81
ARTICLE XVI. PLANNED DEVELOPMENT DISTRICT .....	82
SECTION 16.01 AMENDMENTS .....	88
SECTION 16.02 AMENDMENT PROCEDURE .....	88
SECTION 16.03 PRECEDENCE OF MORE RESTRICTIVE STANDARDS .....	90
SECTION 16.04 SEVERABILITY .....	90
SECTION 16.05 REPEALER .....	90
SECTION 16.06 EFFECTIVE DATE .....	90
APPENDIX A	91
APPENDIX B	93
APPENDIX C	94
APPENDIX D	97
APPENDIX E	98

## ARTICLE I. DEFINITIONS

- A. Words and terms stated in the present tense include the future. The singular includes the plural, and the plural includes the singular, unless the context otherwise requires. The masculine gender includes the feminine and neuter genders. The term "shall" is mandatory and not discretionary. The term "house" shall include "home." The terms "Board," "Zoning Board of Appeals," "Planning Board," "*Zoning Enforcement Officer*," "Attorney," "Clerk" and other designated boards and officers, mean respectively, such boards and officers of the Village of Cambridge. The term "person" includes an individual, corporation, partnership, firm or other combination of persons. The term "lot" includes the term "plot." The term "building" shall mean "structure." The terms "occupied" and "used" as applied to any land or building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used." Words not herein specifically defined shall have their ordinary dictionary meaning, as in Webster's New International Dictionary.
- B. Throughout this document, italicization of a term indicates that it is defined in this Article.

### Section 1.01 Definitions

Unless otherwise expressly stated in this law, the following terms, for the purpose of this law, shall have the following meanings:

Accessory Structure: Any *building* or *structure* affixed to land or any movable *structure* in excess of 100 square feet that is incidental and subordinate to, and associated with, a permitted use.

Accessory Use: Any use which is incidental to a permitted use and located on the same *lot* and under the same ownership.

Adult Arcade: An establishment where film, slides, or any other images of "specified sexual activities" or "specified anatomical areas" are available for viewing by the public.

Adult Bookstore or Adult Video Store: A bookstore or video-store which as one of its principal business purposes offers for sale or rental any printed matter, videocassettes and/or other electronic media that depict "specified anatomical areas" or "specified sexual activities." For the purpose of this definition, a principal business purpose shall mean that part of the business that constitutes 20 percent or more of the printed material, videocassettes and/or other electronic media for sale or rent in the establishment.

Adult Cabaret: A nightclub, bar, restaurant, juice bar, or similar establishment where persons appear in a state of nudity, or where there are live performances, films, videocassettes, other electronic media and/or slides characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Entertainment Establishment: An establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or waitresses; strippers; topless hair care or massages; entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult

arcade; adult bookstore; or adult video-store.

Agricultural Use: The practices which contribute to the care, production, preparation, and/or marketing of *crops*, *livestock* and *livestock* products. *Agricultural use* does not include *intensive agricultural uses*, as defined below, which are prohibited throughout the Village of Cambridge.

Agricultural Use, Intensive: The industrialized production of *livestock* and *crops* making use of economies of scale, such as confined or concentrated feedlots or other similar operations with large resource inputs or outputs relative to land area. These operations are not permitted anywhere in the Village of Cambridge.

Alteration: Any change, rearrangement or addition to a *building*, other than repairs; any modification in construction or in *building* equipment or the moving of a *building* or *structure* from one location to another.

Alteration, Substantial: Any change, rearrangement or addition to a *building*, other than repairs, the cost of which exceeds twenty-five percent (25%) of the fair market value of the property, or that results in a square footage increase of twenty-five percent (25%) or more of the gross floor area of a *building*, or the moving of a *building* or *structure* from one location to another, or includes significant changes to the *building* facade.

Amusement Device: Any mechanical contrivance used to provide games of chance, skill or pleasure, and where a fee is charged.

Amusement Facility: An outdoor facility, which may include *structures* and *buildings*, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and *buildings* for shows and entertainment.

Amusement Ride: Any mechanical contrivance used to transport an occupant or occupants over a short defined distance or course for thrill or pleasure, and where a fee is charged.

Antenna: A device which transmits and/or receives radio frequencies, telecommunications signals or electromagnetic waves.

Arcade: See "*Indoor Amusement facility*."

Area of Special Flood Hazard: Land in the floodplain subject to a one-percent or greater chance of flooding in any given year.

Automotive Repair Station: A *building* or *lot* used for the repair, sale and/or servicing of motor vehicles and any area of land, including *structures* thereon.

Automotive Service Station: Any area of land, including *structures* thereon, that is used or designed to be used for the sale of gasoline, oil or other motor vehicle fuel, or that is used or designed to be used for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. The term may also include a convenience store, provided that the store is an integral part of the gasoline or service station.

Awning: Any *structure* serving as a roof-like cover or shelter, attached to an exterior wall of any commercial establishment.

Bar: See "*Tavern*."

Base Flood: The *flood* having a one-percent chance of being equaled or exceeded in any given year.

Base Flow: The *stream* discharge from groundwater runoff.

Bed & Breakfast Establishment: A dwelling having a resident host in the primary dwelling of a private single-family or two-family home with common dining and leisure rooms and lodging rooms for overnight accommodation, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained and no other commercial services are offered. The *Bed and*

*Breakfast establishment* shall have not more than ten (10) occupants as lodgers in at least three (3) and not more than five (5) rooms.

Bed & Breakfast Home: A dwelling having a resident host in the primary dwelling of a private single-family or two-family home in which at least one and not more than two rooms are provided for overnight accommodation, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained. The *Bed and Breakfast home* shall not have more than four occupants as lodgers.

Building: See "*structure*."

Building Footprint: A two-dimensional plan area of a *building* or *structure* which results when the *height* dimension is removed and which shows an aerial view of said *building* or *structure*, including garages, *sheds*, porches, eaves, covered breezeways, entryways and other similar attached appurtenances.

Building Height: The vertical distance measured from the lowest point of the existing grade, prior to *site* disturbance, within five feet of any primary *building footprint*, to the uppermost portion of the *structure*.

Building Line: The point from which all *yard* requirements are measured and which is determined by a line formed by the intersection of a horizontal plane of average grade level and a vertical plane that coincides with the exterior surface of a *building* on any side. In the case of a cantilevered section of a *building*, the vertical plane will coincide with the most projected surface.

Cannery: A factory where meat, vegetables, or other foods are canned.

Catch Basin: An inlet *structure* for the collection of storm water from impervious equipped with designed with a sump to trap sediment.

Cellular Communication System: A radio telecommunication service provided using a cellular system.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for *cemetery* purposes, including columbaria, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such *cemetery*.

Chicken: The common domestic fowl (*Gallus domesticus*) or its young. (Definition added on March 7, 2012)

Chicken Coop: A building where chickens/hens are maintained, surrounded by a run, usually made with wire fencing to allow the birds to roam while contained. A coop must be completely enclosed to prevent the escape of any birds housed therein. (Definition added on March 7, 2012)

Chicken Run: An enclosed area, including the top, attached to a coop, in which chickens are allowed to run. (Definition added on March 7, 2012)

Collocation: The placement of a wireless communication *antenna* on an existing *tower* or other permissible *structure*, usually owned by another entity. The types of *structures* eligible for collocation are set forth in this Local Law.

Commencement of Work: The construction or reconstruction or clearing, excavating, grading, filling, draining or conducting of physical operations of any kind in preparation, for or in pursuance of, construction or reconstruction, or the moving of a *structure* upon a *lot*.

Craft Workshop: A place where artists, artisans, craftsman and other skilled trades people produce custom made art or craft products including but not limited to baskets, cabinets, ceramics, clothing, flower arrangements, jewelry, metal work, musical instruments, paintings, pottery, sculpture, toys and weaving.

Crops: A harvestable item, planted, grown and cultivated in the soil.

Cross Access Easement: An easement allowing access to and from adjacent properties. Cross access can be in the form of a driveway or a service drive providing vehicular access between two or more contiguous *sites* so a driver need not enter the public street system.

Day Care Center: A facility which is not a *dwelling unit* in which care is provided on a regular basis to three (3) or more people for more than three (3) hours per day per *person* as defined in 18 NYCRR § 418.

Day Care, Family Group: A *dwelling unit* which is a personal residence and occupied as a family residence which provides day care to seven (7) to twelve (12) people, as defined in 18 NYCRR § 416.

Day Care, Family: A *dwelling unit* which is a personal residence and occupied as a family residence which provides day care on a regular basis for more than three (3) hours a day to three (3) to six (6) people, as defined in 18 NYCRR § 417.

Demolition: An act or process of dismantling or removing any *building, structure*, or portion of a *building* or *structure* greater than 140 square feet within the Village of Cambridge, with the exception of *farm buildings*.

Demolition Permit: Official authorization from the *Village* to conduct *demolition*.

Develop Land: To change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial or institutional construction or *alteration*.

Development: Any *building*, construction, expansion, *alteration*, modification, *demolition* or other activity, including *land clearing* in excess of 1,000 square feet, *land disturbance*, grading, roadway construction or expansion, mining or mineral extraction, which materially changes the use or appearance of land or a *structure*, or the intensity of the use of land, or the creation of a *subdivision* which may result in such activity, but not including interior renovations to a *structure*.

Development area or site: Any parcel of property or *lot* or combination of contiguous *lots* which are in common Ownership, or which are in diverse Ownership where *development* is to occur in common. For the purposes of this Local Law, contiguous lands shall include those separated by a public highway

Drive-Through Use: An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their vehicles.

Dwelling, Accessory Unit: A separate complete dwelling that is contained on the same *lot* as the *structure* of a single-family *dwelling unit* or commercial *building*.

Dwelling Multifamily: A single *building* on a single parcel of land consisting of three or more *dwelling units*, excluding timeshare dwellings.

Dwelling, Single-Family: A detached *building* (not including a *mobile home*) of one or more stories in *height*, above main grade level, which is designed or used exclusively as living quarters for one family or household, and having a contiguous masonry foundation which shall not be of pier-type supports, porches excepted.

Dwelling, Two-Family: A *structure* on a single *lot* containing two *dwelling units*, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both *dwelling units*.

Dwelling, Upper Floor Apartment: One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family or household, which shall not be located on the ground floor of any *building* and is typically located above a commercial use.

Dwelling Unit: One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family or household, which shall not be less than 500 square feet. And there shall be a minimum of 60 square feet of *habitable area* excluding kitchens, bathrooms and hallways provided for sleeping accommodations for each *person*.

Educational Use: Use of land, *buildings* and *structures* for providing learning in a general range of subjects, including related support and *accessory uses*, associated with the educational purposes of the institution, on land owned or leased by the state or any of its agencies, *subdivisions* or bodies politic, or by a nonprofit educational entity, including day-care center.

Erect: To build, construct, alter, display, relocate, attach, hang, place, suspend or affix any *sign*; includes the painting of *signs* on exterior walls.

Erosion: The wearing away of the land surface by water, wind or ice or the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Farm Building: non-residential *buildings* or *structures* directly related to an active *agricultural use*.

Fence: An artificially constructed barrier of any material or combination of materials *erected* to enclose, screen, or separate areas.

Fertilizer: Any number of natural or synthetic materials including manure, nitrogen, phosphorous, and potassium compounds that are added to the soil to promote the growth of *crops*.

Fertilizer Plants: A business for the production or storage of *fertilizer*.

Firewood: trunks and branches of trees and bushes.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map issued by the Federal Insurance Administration where the areas of special *flood* hazard have been designated "Zone A."

Frontage Buildout: The minimum percentage of the length of the *front building line* along which a *building* façade must be constructed in order to properly enclose the public space of the street.

Funeral Home: A *building* used for the preparation and display of the deceased, and ceremonies connected therewith, before burial or cremation.

Garden Center: A *building* or *structure* and lands for the growing of flowers, fruits, vegetables, plants, shrubs, trees or other similar vegetation, together with garden accessories which are sold at retail from such *building* or *lot* to the general public.

General Office: Any *building* or part of a *building* in which one or more *persons* are employed in or conduct the management or direction of an agency, business, organization, profession, or public administration, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

Government Office or Agency: Any department, commission, independent agency or instrumentality of the United States, of New York State, of Washington County, and/or of the Village of Cambridge.

Habitable Area: Area in a *structure* for living, sleeping, eating or cooking. Maintenance or utility space, parking garages and similar areas are not considered habitable space.

Health Club: An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas and showers, and lockers.

Height: See "*Building height*".

Hen: A female bird. (Definition added on March 7, 2012)



Home Occupation, Level 1: An occupation or profession carried on within a *dwelling unit* or an *accessory structure* that meets the *dwelling unit setbacks*, and which is clearly incidental to the use of the *dwelling unit* for residential purposes and does not change the character thereof. A *Home occupation Level One* must not exceed the thresholds established in Article VI General Regulations.

Home Occupation, Level 2: A *Home occupation Level Two* is the same as a *Home occupation Level One*, but allows an increased intensity of the use as described in this Local Law.

Home Occupation: *Home occupation* includes uses of a professional occupation including, but not limited to, a physician, lawyer, architect, engineer, *craft workshops*, surveyor, licensed beautician or barber, real estate broker, insurance agent, accountant or planner, with the exception of pharmacists and pharmacy establishments.

Homeowner's Association (HOA): A homeowners' association owns and operates the areas and facilities common to a group of single family homes, condominiums, cooperatives or any combination of the three. Membership in a homeowners' association entitles the unit *owner* to the use of recreational facilities, roads, parks and similar amenities in a *development*. It also obligates the homeowners to pay for the maintenance of these facilities and for necessary services such as snow removal or road repairs.

Hospital: A facility or institution engaged principally in providing services by or under the supervision of a physician or for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including a general *hospital*, but excluding professional medical offices. The term "*hospital*" shall not include an institution, sanitarium or other facility engaged principally in providing services for the prevention, diagnosis or treatment of mental disability and which is subject to the powers of visitation, examination, inspection and investigation of the Department of Mental Hygiene, except for those distinct parts of such a facility which provide *hospital* service.

Hotel/Motel: A *lodging facility* offering accommodations to the general public, including *buildings* designed as tourist courts, overnight cabins, housekeeping units/cottages and similar facilities, and providing additional customary uses such as, but not limited to, restaurants, meeting rooms, playgrounds, game rooms, snack bars and recreational facilities or activities used primarily for patrons including tennis courts, swimming or bathing, golf or convention facilities, excluding water-based motorized vehicles.

Impervious Area: An area covered by pavement, rooftops and/or other *structures* or materials, which is either impervious to water or which substantially prevents the *infiltration* of water into the soil at that location.

Indoor Amusement Facility: An indoor area or *structure*, or portion thereof, open to the public which contains four or more coin-operated games and/or similar entertainment and *amusement devices*.

Industry, Light: A manufacturing or maintenance facility where any process is used to alter the nature, size or shape of articles or raw materials or where articles are assembled and where said goods or services are consumed or used at another location. The exterior appearance and impact (noise, fumes, and vibrations) of a *light industrial* use should not significantly exceed those typically associated with an office use.

Infiltration: The downward movement of water from the surface to the subsoil.

Inn: A commercial facility, resembling in character traditional residential construction, providing lodging and meals which is characterized by common dining facilities and a common leisure room available for use by lodgers and the general public.

Land Disturbance or Land Clearing: Grading, digging, cutting, scraping, excavating, removing of soil, placement of fill, paving or otherwise covering, construction, substantial removal of natural or

human-made vegetation, replacement of natural vegetation with lawn or other human-made vegetation, *demolition* or other removal of human-made features, or any activity which bares soil or rock. For purposes of calculating the square footage affected by any *development* in order to determine a *project's* classification, all affected areas of the *development site* shall be considered in aggregate whether or not the affected areas are contiguous.

Library: A public institution with a *building* containing printed and pictorial material for public use for purposes of study and reference.

Livestock: Animals kept for propagation or the creation of products, for human or animal consumption, or for any purpose including as pets, such as but not limited to horses, dairy and beef cattle, pigs, sheep, goats, deer, llamas, alpacas, emus, ostriches, chickens, ducks, geese, rabbits, and similar animals and birds.

Lodging Facility: A *building* or place where overnight lodging is provided for compensation for three or more guests, but not exceeding 12 individuals.

Lodge or Club: A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of dues paying members and their guests.

Lot: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

Lot Area: The total horizontal area included within *lot* lines, except that no part of the area within a public right-of-way may be included in the computation of *lot area*.

Lot Coverage: That portion of a *lot* which is covered by any material which prevents absorption of water into the ground.

Lot Frontage: That portion of the *lot* abutting the street line. In the case of a *lot* that abuts more than one street, the *owner* may designate either street line as the *lot frontage*.

Lot Width: The mean horizontal distance between the side *lot* lines measured at the *building line*.

Lowest Floor: The lowest level, including basement, crawl space or garage of the lowest enclosed area.

Mobile Home: A *mobile home* is any portable vehicle or *structure* designed to be used, or capable of being used as a detached single family residence which is intended to be occupied as living quarters for more than ninety (90) days and contains sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems; which is capable of being transported after fabrication in one or more sections on streets and highways, arriving at the *site* ready for occupancy except for minor and incidental unpacking and assembly operations; and not requiring permanent foundation. A *mobile home* can be moved again on its own wheels, and its undercarriage remains part of its structure. *Modular homes*, and travel trailers or recreational vehicles are not considered "*Mobile Homes*".

Mobile Home Park: A parcel of land under one ownership that contains two or more *mobile homes* on spaces or *lots* offered for lease and rent.

Modular Home: A residential *structure* constructed to New York State Building Code standards that is manufactured primarily off *site* and which has a minimum of two sections, each of which are transported to the *building site* separately, placed on a foundation, with installation of heating system and application of siding coming after erection of the home, and which is indistinguishable in appearance from a conventionally built home.

Municipal Use: Use of land, *building* and *structures* by the Village of Cambridge and/or other governmental bodies.

Museum: Any *building(s)* or part thereof used primarily for the display of articles that are of either

historical or cultural Significance.

Nightclub: See "*Tavern*."

Non-conforming Lot: A *lot* of record which does not comply with the area, shape, *frontage*, or locational provisions of this Local Law for the district in which it is located.

Non-conforming Structure: A *structure*, including *buildings*, which does not satisfy the dimensional requirements of this Local Law for the district in which it is located, but which was not in violation of applicable requirements when constructed.

Non-conforming Use: Any use lawfully existing prior to or at the time of adoption or amendment of this Local Law or any preceding zoning law or ordinance, which use is not permitted by or does not conform with the permitted use provisions of this Local Law for the district in which it is located.

Nudity or State of Nudity - Means the appearance of "specified anatomical areas."

Nursing Home: An extended- or intermediate-care facility licensed by the New York State Department of Health to provide full time convalescent or chronic care of *persons* with, or recuperating from illness where nursing services are furnished, or for the accommodation and care of *persons* of advanced age.

Offal: The parts of a butchered animal that are considered inedible by human beings.

Outdoor Furnace: Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space; or any furnace, stove or boiler designed to burn wood where the unit is not located within, or attached to, a *building* intended for habitation by humans or domestic animals.

Owner — The holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, and lessees under leases having an unexpired term of at least 10 years.

Owner-Occupancy — resides in a *dwelling unit* as an *owner* on a permanent basis. Where *owner-occupancy* is required, the *lot* must be the *person's* legal home, where the *person* is domiciled.

Parent Parcel — a parcel of land, as recorded in the Assessor's Office, existing in the Village of Cambridge on the date of adoption of this Local Law.

Parking Lot, Commercial: An off-street, ground-level area, usually surfaced and improved, for the temporary storage of motor vehicles, and where a use fee is charged.

Person: Any individual, firm, partnership, *club*, trust, company, association, cooperative, corporation (including a government corporation), or *village*, state or federal government and any agency thereof.

Plat: A map showing planned or actual features of an area (streets and building lots etc.).

Pollution: The condition caused by the presence in the environment of substances of such character and in such quantities that the quality of the environment is impaired or rendered offensive to life.

Predevelopment: Those *site* conditions which legally existed prior to the commencement of any activity regulated by this Local Law.

Principal Building: A *building* or *structure* in which is conducted the main or primary use of the *lot* on which said *building* or *structure* is located. Where more than one use is on a *lot*, the more intense use shall be considered the main or primary use.

Professional Office: An office or place to conduct licensed activities normally associated with their field for those engaged in a professional occupation including, but not limited to, a physician, lawyer, architect, engineer, surveyor, licensed beautician or barber, real estate broker, insurance agent, accountant or planner.

Project: Any land use or *development* activity proposed by an applicant which is subject to this Local Law.

Projecting Sign: Any *sign* other than a wall *sign* that is attached to and *projects* perpendicularly from the wall or *face* of a *building* or *structure*.

Project Life: The anticipated or actual time a *project* will be used, utilized or remain in functional existence.

Project Value: The actual cost of the land use or *development* activity proposed by an applicant.

Public Building: Any *building*, *structure*, facility or complex used by the general public, owned by any state, county, or municipal government agency or instrumentality, including but not limited to municipal offices and public parking facilities.

Public Safety Use: Voluntary agencies engaged in providing municipal/government services which provide for the overall health, safety and general welfare of the public; uses include, but are not limited to fire, emergency medical, and police services.

Recreation, Active: A defined area reserved for and specifically designed to accommodate outdoor sports and outdoor activities, such as, but not limited to, racquet sports, ice skating, roller skating, swimming, baseball, soccer and softball.

Recreational Business: Outdoor facilities, operated as a business and open to the public, with facilities for uses such as tennis, horseback riding, swimming, golf, miniature golf, driving ranges and open-air live *theater*.

Recreational Facility: A public, commercial or non-commercial *building*, place, *site* or field for leisure use where such use may include swimming, tennis, court games, baseball and other field sports, and playground activities, and excluding mechanical devices.

Recreation Facility, Commercial: A recreation facility operated as a business and open to the public for a fee.

Recreation, Passive: A defined area reserved for and specifically designed to accommodate general uses, such as, but not limited to, jogging, walking and recreation trails and paths, picnic areas and scenic views.

Religion Institution: Use of land, *building* and *structures* by a tax-exempt institution, a bona fide religious sect or denomination where religious worship or related activity is conducted.

Restaurant / Eatery: An establishment whose principal business is the preparation and sale of food and beverages, including *fast-food restaurants* and *full-service restaurants* but excluding *taverns*.

Restaurant, Fast-Food: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food/meals directly to the customer in a ready-to-consume state for consumption either within the restaurant *building* or off premises.

Restaurant, Full-Service: An establishment, excluding *taverns*, where food and drink is prepared, served and sold for on-premises consumption to patrons seated at tables.

Retail, Business: Any establishment selling goods to the general public for personal and household consumption, excluding *restaurants* and *taverns*, and excluding all other uses that are separately defined herein.

Rendering Plant: A place where lard, tallow, or oil are extracted from animal parts.

Rooster: An adult male chicken. (Definition added on March 7, 2012)

School: Any *building* or part thereof which is designed, constructed and used for education or instruction in any branch of knowledge which includes public or private, elementary, secondary or vocational education.

Self-Storage: A *structure* or *structures* in which materials, goods, or equipment are stored with separate storage units having individual access, for storage of individual Personal or business property. *Self-storage* operations with several separate *structures* shall all be considered together to form one (1) primary *structure* for the purpose of Site Plan Review by the Planning Board.

Service Business: Any business or nonprofit that provides services to the public, including barbershops, dry cleaners, appliance repair and banks, and excluding all other uses that are separately defined herein.

Setback: The horizontal separation distance from the property line or, in the case of shoreline property, from the mean high-water mark, to the *building line* of the *structure*.

Shed: A subordinate *structure* or *building* used primarily for storage purposes, of a *height* not greater than 15 feet, and total square footage which does not exceed 120 square feet.

Sign: Refers to a name, identification, display, announcement, declaration, device, demonstration or illustration which is affixed to or painted or represented directly or indirectly upon a *building*, *structure* or parcel of property which directs attention to an object, product, place, *person*, activity, institution, organization or business.

- A. Abandoned Sign: Any *sign* which a) is located on a *building* which becomes vacant; or b) pertains to a time, event, or purpose that no longer applies; or, c) remains in place that no longer advertises a bona fide business or activity; or, d) pertains to a product or service other than the one offered on such *lot*, shall be deemed to have been abandoned.
- B. Accessory Signs: Any *sign* related to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such *sign* is located.
- C. Display Area: That extent of surface which circumscribes the border of the *sign*.
- D. Double-Faced Signs: Signs designed to be viewed from two directions and which at no point are thicker than 24 inches measured from the exterior surface of each *face*, and the two faces of the *sign* are either parallel or the angle between them is 30° or less.
- E. Freestanding Sign: A *sign* which is supported by one or more uprights, poles or braces, or by a base of wood, stone or cement, in or upon the ground. This definition shall not include portable *signs*.
- F. Front or Face: The outer surface of a *building*, which is visible from any private or public street or highway.
- G. Illuminated Sign: Any *sign* illuminated by electricity, gas or other artificial light, including reflective or phosphorescent matter.
- H. Lighting Device: Any light, string of lights or group of lights located or arranged so as to cast illumination on a *sign*.
- I. Marquee: A permanent roofed *structure* attached to and supported by the *building*.
- J. Neon Sign Lighting: Self-illuminated *sign* wherein the light source itself is shaped, and utilized to form all or part of the message.
- K. Off-Premise Sign: A *sign* which advertises an establishment, products, services or entertainment, which are not present, sold or distributed on the *lot* where the *sign* is located.
- L. Person: Any *person*, firm, partnership, association, corporation, company, institution or organization of any kind.
- M. Portable Freestanding and/or "A" Type Sign: A *sign* that is designed to be movable and is not structurally attached to the ground, a *building*, a *structure* or any other *sign*. Such *signs* may or may not be in the configuration of an "A."

- N. Projecting Signs: A *sign* other than a wall *sign* which *projects* from and is supported by a wall or roof of a *building, structure* or *sign structure*.
- O. Roof Sign: A *sign* erected upon a roof or parapet of a *building* or *structure*.
- P. Temporary Sign: Refers to the surface of a *sign* used for the purpose of short-term advertising or greeting.
- Q. Wall Signs: A *sign* permanently or temporarily attached or affixed to any exterior wall or Projection of a *structure*.
- R. Window Signs: *Signs* maintained in or painted upon a window.

Site: See "*Development Area*."

Special Use Permit: An authorization of a particular land use which is permitted, subject to requirements imposed herein to assure that the proposed use is in harmony with this Local Law and will not adversely affect the neighborhood if such requirements are met.

Specified Anatomical Areas - (a) Less than completely and opaquely covered: human genitals, pubic region, buttocks, female breast below a point immediately above the areola, or (b) human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities - (a) Human and/or other animal genitals in a state of sexual stimulation or arousal, (b) acts of human masturbation, sexual intercourse or sodomy, or (c) fondling or other erotic touching of human and/or other animal genitals, pubic region, buttocks, or female breasts.

Storm water: Water produced by precipitation, including snow melt, which does not evaporate and which flows over a natural or human-made surface or into a natural or human-made channel.

Stream: Includes any permanent or intermittent watercourse.

Structure: A combination of materials to form an object constructed, installed, erected or permanently placed above or below the surface of the land or water.

Subdivision: A division of any land into two or more *lots*, parcels or *sites*, whether the new *lots* are adjoining or not, for the purpose of sale, lease, license or any form of separate Ownership or occupancy by any *person*, including the conveyance of lands in common ownership which are divided only by a road or utility right-of-way. Creation of a condominium or *Village* house *project* shall be considered a *subdivision*. This definition shall not apply to conveyances of small parcels of land to correct a boundary of a *lot*, so long as such conveyance does not create additional *lots*.

Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food may be served or sold only as accessory to the principal use and where entertainment may be provided.

Telecommunications Facility: Any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for cellular operation (also known as base transceiver station or BTS.)

Telecommunications Tower: A structure on which one or more antenna will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, but excluding a structure used exclusively for fire, police, emergency medical services and other public safety dispatch communication, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications. A *telecommunications tower* shall not include any satellite earth station *antenna* two meters in diameter or less which is located in the *Village* Center or Gateway Business Districts or any satellite earth station *antenna* one meter or less in diameter regardless of zoning category.

Theater: A *building* or part of a *building*, devoted to showing motion pictures, or for dramatic,

musical or live performances and which may include dinner *theaters*.

Tower: A *structure* which supports telecommunications facilities, whether a self-supporting lattice or monopole *structure* constructed from grade as a freestanding *structure* or a guyed *tower* or any other *structure* erected in connection with a *building* or other permanent *structure* or equipment cable of containing or intended for the use of one or more *antennas* for transmitting and/or receiving radio, television, digital, telephone, cellular, microwave or other similar electronic communications. The term “*tower*” shall not include amateur radio operators’ equipment, as licensed by the FCC.

Untreated Lumber: any dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain or other substance.

Variance: A grant of relief from the requirements of this Local Law which permits construction of a use in a manner that would otherwise be prohibited by this Local Law.

Village: The Village of Cambridge.

Warehousing: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazardous conditions commonly recognized as offensive.

Water Body: Any lake, pond, river, *stream*, intermittent *stream* or wetland.

Yard: An open, unoccupied space on the same *lot* with a *building* or *structure*.

Yard, Front: An open, unoccupied space on the same *lot* with the *principal building*, between the *front* line of the *principal building* and the *front* line of the *lot*, and extending the full width of the *lot*.

Yard, Rear: An open, space on the same *lot* with the *principal building*, between the rear line of the *principal building* and the rear line of the *lot*, and extending the full width of the *lot*.

Yard, Side: An open, unoccupied space on the same *lot* with the *principal building* situated between the side line of the *lot* and the adjacent side line of the *lot*, and extending from the rear line of the *front yard* to the *front* line of the rear *yard*.

Zoning Enforcement Officer: The *Zoning Enforcement Officer* shall have the power and duty to administer and enforce the provisions of this Local Law. The *Zoning Enforcement Officer* shall be appointed by, and may be removed at the pleasure of, the *Village Board*. An appeal from an action, omission, decision or rule by the *Zoning Enforcement Officer* regarding a requirement of this Local Law may be made only to the Zoning Board of Appeals. The *Zoning Enforcement Officer* shall have the power to make inspections of *buildings* or *lots* necessary to carry out his or her duties in the enforcement of this Local Law. The *Village Board* may appoint a Deputy *Zoning Enforcement Officer* to exercise any or all of the duties of the *Zoning Enforcement Officer*.

## ARTICLE II. INTRODUCTORY PROVISIONS

### Section 2.01 Title

- A. This Local Law shall be known and may be cited as the “Zoning Law of the Village of Cambridge, New York.”

### Section 2.02 Enacting Clause and Purpose

- A. This Local Law is enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Article 2, §10 et seq., of the consolidated laws, and under §7-700 of the New York State Village Law, and in accordance with the land use policies, principles and guidance provided by the Village of Cambridge Comprehensive Plan, to protect and promote public health, safety, morals, comfort, convenience, economy, aesthetics, general welfare, natural and cultural resources, and for the following purposes:

To provide a flexible system of land use regulation that enables the *Village* to grow, while preserving its most important historic, natural and cultural features.

To preserve the unique character of the *Village*.

To enhance the sense of community among the *Village's* residents.

To promote and preserve the *Village's* historic *structures, sites* and cultural features.

To enhance the aesthetic and architectural quality of the *Village*.

To promote a pattern of land use that reinforces the *Village* as a compact walkable community center with defined boundaries.

To conserve important natural resources and features and the rural character of the *Village*.

To protect residents from nuisances, odors, noise, pollution and other unsightly, obtrusive and offensive use activities.

To allow economic opportunities that are consistent with the character of the *Village* and meet the needs of its residents.



To provide a broad range of housing options for all present and future *Village* residents, including young people, families with children, and the elderly.

To regulate *building* density in order to concentrate population in appropriate locations while allowing reasonable privacy for residents, ensuring access to light and air, conserving open space, and facilitating the delivery of municipal services.

### **Section 2.03                      Interpretation of Provisions**

All provisions of this Local Law shall be interpreted broadly to fulfill the purposes stated above.

### **Section 2.04                      Application of Provisions; Effect on Other Laws**

Wherever the requirements of this Local Law are at *variance* with the requirements of any other lawfully adopted rules, regulations or local laws, the more restrictive or that imposing the higher standards shall govern.

## ARTICLE III. PERMIT AND APPROVAL PROCESS

### Section 3.01 Permits Required

#### A. Permit Types

1. Basic Zoning Permit -- no *development* may commence within the *Village* without a basic zoning permit issued by the *Zoning Enforcement Officer*.
2. Special Use Permits -- All *special use permit* applications shall be subject to both the Site Plan Review provisions and the *special use permit* provisions contained herein.
3. Sign Permit -- All *sign* permit applications shall be subject to the sign regulations contained in Section 14.3.
4. Demolition Permit -- A *demolition permit* shall be required and subject to the regulations contained in Article 18.

#### B. The following shall be subject to Site Plan Review provisions:

1. All new Business Uses
2. All new Community Group Uses
3. All new, or changes to, uses within the Main Street Mixed-Use District
4. All new, or changes to, uses within any Overlay District
5. All uses requiring a *Special Use Permit*

#### C. Posting of Permit - All applicants shall display a Zoning Permit on the subject premises. The permit shall be provided by the *Village*, clearly visible from a public way, and not be removed until all of the requirements for each permit shall be satisfied.

#### D. Certificate of Occupancy - No *building* may be occupied until a certificate of occupancy has been received from Washington County.

#### E. Expiration of Zoning Permit - If a *project* for which a zoning permit has been issued is not provided a certificate of occupancy within 18 months after the issuance of the permit or by when the *building* permit expires, whichever is shorter, said zoning permit shall expire. If the zoning permit expires, the applicant must apply for a new permit in accordance with this Local Law. To avoid expiration of the zoning permit, the applicant may apply for a renewal prior to the expiration of the zoning permit.

## **Section 3.02                      Variances and Appeals**

- A. *Area Variance* - The Zoning Board of Appeals has the power to grant *variances* from the area or dimensional requirements of this Local Law. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the *variance* is granted as weighed against the detriment to the health, safety or welfare of the neighborhood or community of such grant. For further information regarding criteria needed, see the *Variance* and Appeals Article of this Local Law.
- B. *Use Variances* - The Zoning Board of Appeals has the power to grant use *variances*, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the Local Law. No such use *variance* shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. For further information regarding criteria needed, see the *Variance* and Appeals Article of this Local Law.
- C. *Appeals* - Applicants, or any officer, department, board or bureau of the *Village* has the right to appeal any order, requirement, decision, interpretation or determination of officials charged with the enforcement of this Local Law to the Zoning Board of Appeals. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, interpretation or determination being appealed and shall make such order, requirement, decision, interpretation or determination as, in its opinion, as ought to have been made in the matter by the administrative official charged with the enforcement of this Local Law, and to that end shall assume all the powers of the administrative official from whose order, requirement, decision or determination the appeal is taken. For further information regarding criteria needed, see the *Variance* and Appeals Article of this Local Law.

## **Section 3.03                      Fees**

- A. *Permit Application Fees and Expenses*
  - 1. Fees required by this Local Law shall be paid upon the submission of applications and appeals.
  - 2. Expenses incurred by the *Village* shall be due upon receipt of an invoice from the *Village* Clerk.

3. The fees for applications and appeals shall be established by the *Village* Board from time to time by resolution.
  4. A fee schedule shall be posted in the *Village* Office.
  5. No required fee shall be substituted for any other fee.
  6. The following actions shall require fees or reimbursement, through an escrow account, of expenses (this list is not necessarily all-inclusive):
    - a. Zoning Permit;
    - b. Sign Permit;
    - c. Zoning Variance Application;
    - d. *Special Use Permit*;
    - e. *Demolition permit*;
    - f. Zoning Interpretation;
    - g. Expense of Neighbor Notification;
    - h. Expense of Notice Publication; and
    - i. Expense of Professional Services.
- B. Professional Assistance - The Planning Board may engage the services of professional consultants, approved by the Village Board, at the expense of the applicant, during any permit approval processes. Prior to submission to professional consultants, the applicant shall pay to the Village an amount to be held in escrow equal to the amount estimated by the professional for services to be rendered. Until those funds are so deposited, the matter will not be referred to the professional consultant.
- C. Performance Bond – To ensure the completion of required improvements, such as but not limited to roads, sidewalks, landscaping, or other improvements required by the Planning Board, the Planning Board, prior to its final approval, may require from the owner for the benefit of the Village a performance bond issued by either a bonding or surety company approved by the Village Board or by the applicant with security acceptable to the Village Board in an amount sufficient to cover the full cost of said required improvements and their maintenance for a period of two (2) years after completion as is estimated by the Village Department designated by the Planning Board.

## **Section 3.04**

### **Subdivision**

- A. Applicants for *subdivision* approval shall comply with the Village of Cambridge *Subdivision* Regulations.

**Section 3.05**                      **State Environmental Quality Review Act (SEQRA)**

- A. The *Village* shall comply with the provisions of the New York State Environmental Quality Review Act (SEQRA) under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part Six Hundred Seventeen of the New York Codes, Rules and Regulations.

## **ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS**

### **Section 4.01 Zoning Districts**

For the purposes of this Local Law, the Village of Cambridge is hereby divided into the following districts:

<b>Abbreviated Designation</b>	<b>Zoning District</b>
(MU)	Main Street-Mixed Use District
(GC)	Gateway Commercial District
(RT)	Residential Transition District
(VR)	Village Residential District
(RR)	Rural Residential District
(I)	Industrial District
(ERO)	Environmental Resource Overlay District
(HOD)	Historic Overlay District

Overlay districts. Overlay districts do not change the use and dimensional requirements of the underlying land use district unless specially stated in this Local Law.

### **Section 4.02 Zoning Map; Interpretation of Boundaries; Lots in More Than One District**

- A. Regardless of other existing printed copies of the zoning map, which will be reproduced or published from time to time, the official zoning map, which shall be on file with the Village Clerk, shall be the final authority as to the current zoning status of the land and water areas, *buildings*, and other *structures* in the *Village*.
- B. The boundaries of the land use and overlay districts are hereby established on the map entitled "Village of Cambridge Zoning Map" adopted by the Village Board of Trustees and certified by the Village Clerk, which accompanies and is hereby declared to be a part of this Local Law (Appendix E).
- C. Interpretation of zoning district boundaries. Where uncertainty exists as to the boundaries of the zoning districts as shown on the Zoning Map, the following rules shall apply:
  1. Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, alleys, or highways, such lines shall be construed to be district boundaries and follow such lines.

2. Where district boundaries are indicated as approximately following a *stream*, lake or other body of water, such *stream* center line, lake or body of water shoreline shall be construed to be such district boundaries (unless otherwise noted on the Zoning Map), in the event of a change in the shoreline or *stream*, the district boundaries shall be construed as moving with the actual shoreline or *stream*.
  3. Where district boundaries are indicated as approximately following platted lot lines the district boundaries shall be construed to follow such lot lines.
  4. Where district boundaries are not indicated as approximately following the items listed in Subsection A(1), (2) and (3) above, or are not designated on the Zoning Map, the boundary line shall be determined by the use of the scale designated on the Zoning Map.
  5. Where overlay district boundaries are based upon natural features such as slopes, topographic contour lines, watershed boundaries, soil types or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional.
  6. Whenever any street, alley or other public way is abandoned in the manner authorized by law, the district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the abandoned right-of-way shall henceforth be subject to all regulations of the extended districts.
  7. In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.
- D. In the event that a lot occupies more than one zoning district and the planned use will also occupy both portions of the lot, the district considered more restrictive for the considered use shall be assumed to apply to the entire lot.

## ARTICLE V. USE REGULATIONS

### Section 5.01 Allowable Use Groups Chart

- A. No *structure* or land shall be used except as provided in the Allowable Use Groups Chart (Appendix A). Uses which are not permitted are prohibited, unless specifically stated elsewhere by this Local Law.

### Section 5.02 Allowable Uses

- A. In the Allowable Use Groups Chart the symbol “**P**” means the use is allowed as of right, the symbol “**SP**” means the use requires a special permit, and the symbol “**X**” means the use is not allowed in that particular district.
- B. Notwithstanding the foregoing, the following shall be subject to Site Plan Review provisions:
1. All new Business Group Uses
  2. All new Community Group Uses
  3. All new, or changes to, uses within the Main Street Mixed-Use District
  4. All new, or changes to, uses within any Overlay District
  5. All uses requiring a *Special Use Permit*

### Section 5.03 Design Guidelines

- A. Design Guidelines for the Main Street Mixed-Use District (MU), Gateway Commercial District (GC), and Residential Transition District (RT), are attached and are hereby declared to be a part of this Local Law (Appendix D).
- B. Applicability.
1. New Construction. It is required that the design guidelines will be used to assist in the design and review of new construction *projects*, *special use permits*, and site plan reviews in this district. Adherence to the design guidelines is required. The Planning Board may waive specific requirements of the design guidelines if it finds that the applicant has shown just cause for such waiver.
  2. Existing *sites* and *structures*. The design guidelines also apply to *projects* involving modifications to existing *sites* and *structures*. Where a change of building occupancy from one use to another similar use occurs, and no exterior physical change is made, the guidelines are not applicable. Above the *substantial alteration* threshold defined in this Local Law, maximum



compliance will be expected. Below this threshold, the Planning Board's intent will be to improve the *site* and/or *structure* and move toward compliance to the degree practical.

#### **Section 5.04 Main Street Mixed-Use District**

The purpose of the Main Street Mixed-Use District is to maintain the character and enhance the vitality of the three mixed-use nodes along Main Street, and to ensure that they remain the focal point for business, social, cultural, and civic activity in the *Village* and the region. The Main Street Mixed-Use District establishes *lot* size and dimensional requirements, parking and loading standards, and buffering and *lot coverage* standards that are appropriate for a small, traditional downtown environment. A wide range of mixed-uses are allowed and encouraged in this district – retail, service, office, entertainment, cultural, and higher-density residential. Active uses such as retail, restaurants, and services should be located on the ground floor to the maximum extent possible. Active uses on the ground floor should create an interesting street life and, therefore, a safe and attractive pedestrian environment. Residential and office uses should be located on upper floors. Illustrated Design Guidelines have been established for this District to make it easier for applicants, the Planning Board, and the public to understand the desired design character for this area.

#### **Section 5.05 Gateway Commercial District (GC)**

The purpose of the Gateway Commercial District is protect and enhance these areas that occupy important entranceways to the community and, as such, play an important role in creating a positive impression of the *Village*. The Gateway Commercial District allows for a mix of commercial uses and establishes *lot* size and dimensional requirements, parking and loading standards, and buffering and *lot coverage* standards that are appropriate for the entranceways to the *Village*. Despite its location along highways at the periphery of the *Village*, the District is intended to be accommodating to pedestrians and *projects* there must incorporate good access management. Illustrated Design Guidelines have been established for this District to make it easier for applicants, the Planning Board, and the public to understand the desired design character for this area.

#### **Section 5.06 Residential Transition District (RT)**

The Residential Transition District, in recognition of the location of these residential areas along major roads in the *Village*, allows for a wider variety of mixed-uses than is permitted in the other residential zones. However, special requirements are provided to ensure that the residential character of these areas is preserved, and that existing residential properties are protected from any negative impacts of non-residential neighbors. Illustrated Design Guidelines have been established for this District to make it easier for applicants, the

Planning Board, and the public to understand the desired design character for this area.

### **Section 5.07 Village Residential (VR)**

The purpose of the Village Residential District is to protect and enhance the *Village's* residential neighborhoods, recognizing that they are a major asset for the community. Pleasant and safe neighborhoods in close proximity to the commercial and mixed-use activity centers of Main Street help create the high quality of life that residents enjoy. It is important to preserve the integrity of these neighborhoods by discouraging the encroachment of inappropriate commercial uses into them. At the same time, the *Village* acknowledges that modern technology now allows many people to work from home and many small businesses get their start in home offices. Furthermore, it is a characteristic of traditional rural communities to see small, home-based cottage industries that provide or supplement the household income. The regulations for this District, therefore, allow for these activities to continue with appropriate oversight intended to ensure that they do not negatively impact the neighborhood.

### **Section 5.08 Rural Residential District (RR)**

The purpose of the Rural Residential District is to recognize that agriculture is a traditional component of *Village* life and continues to be an important economic activity in the outer areas of the *Village*. In the Rural Residential District *agricultural uses* are allowed and encouraged, but because of the close proximity of these areas to residential neighborhoods, farming activities are limited to small scale operations. Large, industrial style farming is not appropriate in the *Village*. Farm operations are encouraged to utilize agricultural best management practices, as promoted by the Washington County Farm Services Agency and the Soil and Water Conservation District, to minimize conflicts between farm and non-farm neighbors and to protect environmental resources. It is further recognized that low density residential *development* and a limited number of non-residential and non-*agricultural uses* are also permitted in the Rural Residential District. Conservation *subdivision* design is required for large *subdivisions* in order to ensure that important natural, agricultural, and open space resources are conserved even as *development* occurs in this area.

#### **A. Agricultural Use with Livestock in the RR District**

1. An *Agricultural use* with *livestock* shall not be permitted unless the use is located on a single *lot* that is at least 5 acres and is entirely within the RR district.
2. All *livestock* and any associated *structures* or facilities for the feeding, care, slaughter, or waste collection of or related to such *livestock* shall be

restricted to a minimum distance of 100 feet from any existing, neighboring *dwelling unit*.

3. *Agricultural Uses* that exist expressly for the disposal or collection of *offal*, and *agricultural uses* that exist expressly for garbage disposal shall not be permitted unless said use is a garbage disposal area operated by the *Village* of Cambridge or a group of municipalities, including the *Village* of Cambridge.
4. Gardens for personal use are permitted in all districts.
5. This section shall not impede the maintenance of chickens as authorized in Section 7.08 of this law. (Paragraph added March 7, 2012)

### **Section 5.09 Industrial District (I)**

Because of the very close proximity of this District to both residential neighborhoods and traditional Main Street commercial areas in the *Village*, the purpose of the Industrial District is to promote and encourage low-impact industrial activities here.

### **Section 5.10 Environmental Resource Overlay District (ERO)**

- A. The purpose of the Environmental Resource Overlay District is to preserve and protect lands which are particularly sensitive; such as steep slopes, stream corridors, wetlands and floodplains. To further the purpose of this district, these regulations are in addition to those of the basic underlying district.
- B. Natural resources contribute to the scenic value, quality of life and character of Cambridge. The protection of steep slopes, stream corridors, wetlands and Floodplains is an important public purpose, and, to the extent practicable, future *development* in the *Village* shall minimize disturbances in these areas. Existing state and federal regulations shall be carefully enforced and incorporated into all *project* reviews.
- C. Requirements
  1. The Environmental Resource Overlay District adds an additional layer of protection to resources on those properties that are adjacent to and incorporate portions of steep slopes, stream corridors, wetlands and Floodplains. Those properties covered by the ERO are still subject to all of the provisions of the underlying zoning district, along with the following additional restrictions:
    - a. Site plan review. All zoning permit applications in the ERO District shall be subject to site plan review.

- b. Excavation. If during site plan review the Board finds any proposed or existing construction, filling or excavation in excess of 300 square feet, or grading or other *alteration* of more than 3,000 square feet, on a *lot* within the preceding three-year period, the Planning Board shall impose conditions to ensure that such construction, filling, excavation, grading or *alteration* meets the buffer requirements provided below and will not result in *erosion* or in wetland or *stream* pollution from surface or subsurface runoff, before it shall grant approval.
- c. Buffers.
  - i. Buffers shall be required adjacent to *stream* corridors and wetlands. Buffers shall serve as an ecological transition zone and as an integral portion of the ecosystem. Their boundaries may vary over time due to hydrologic or climatological effects. Buffers also serve as a sediment and *storm water* control zone to reduce the impacts of *development* upon these areas.
  - ii. All *buildings*, roofed or covered areas, or impervious paved roadways or parking areas, shall be set back a minimum of 40 feet from the edge of *stream* corridors and wetlands. The buffer area shall at all times be vegetated with native trees, shrubs and grasses.
  - iii. All excavation undertaken for any reason must employ best management practices (BMPs) to prevent *storm water* runoff. Guidance on current BMPs shall come from the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers.

## **Section 5.11                      Historic Overlay District (HOD)**

### **A. Reserved**

## **Section 5.12                      Standards for Certain Uses Requiring Special Use Permits**

### **A. Outdoor Furnaces**

#### **1. General Standards**

- a. Permitted Fuel – Only *firewood* and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any and all other materials in an Outdoor furnace is prohibited.
- b. Permitted Zones – *Outdoor Furnaces* shall be permitted by way of *special use permit* in the Rural Residential (RR) zoning district as shown on the Village's Zoning Map.
- c. *Setbacks* – *Outdoor furnaces* shall be set back not less than three hundred (300) feet from a neighboring residence and one thousand

- (1000) feet from an established *hospital, school, daycare center, nursing home, park or recreational facility*.
- d. Months of Operation— *Outdoor furnaces* shall be operated only between October 1<sup>st</sup> and May 31<sup>st</sup>.
  - e. Spark Arrestors— All *outdoor furnaces* shall be equipped with properly functioning spark arrestors.
  - f. Stack Height— The smokestack of an *outdoor furnace* shall be at least fifteen (15) feet high measured from ground level. If the *outdoor furnace* is located within 500 feet of a neighboring residence, the smokestack shall extend as high as that neighbor's highest roof ridge line.
2. A permit issued pursuant to this Local Law may be suspended as the Fire Chief may determine to be necessary to protect the public health, safety and welfare of the residents of the Village of Cambridge. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation.
  3. Waivers may be issued if the Village Zoning Board of Appeals finds that extraordinary and unnecessary hardships may result from strict compliance with this Local Law. The Board may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of this section or of jeopardizing the health, safety or welfare of the public. In varying any regulations, the Zoning Board of Appeals may impose such conditions and requirements as it deems reasonable and prudent.
- B. *Home Occupations: Level 2* - are considered Business Uses and are permitted by *Special Use Permit* in the RT, VR, and RR districts in existing and new homes, in outbuildings and in garages, subject to site plan approval and the following criteria and standards.
1. All *home occupations* shall:
    - a. Be conducted by a resident of the *lot*;
    - b. Be compatible with the other uses allowed in the district;
    - c. Maintain the character of the neighborhood;
    - d. Ensure the peace, privacy, quiet, and dignity of the area; and
    - e. Avoid excessive noise, traffic, nuisance, fire hazard, and other adverse effects of business uses.
  2. Home Occupations Level 2 shall be subject to a Special Use Permit, Site

Plan approval, and the following criteria and standards:

- a. Home occupations shall be limited to two (2) per lot.
- b. Home occupations shall be incidental and secondary to the use of a dwelling unit for residential purposes. Such uses shall occupy an area no greater than fifty percent (50%) of the gross habitable area of the lot. The space occupied by the home occupation itself does not necessarily have to be in the habitable area.
- c. Each home occupation shall have only one sign which shall not exceed two (2) square feet.
- d. Home occupations shall allow no more than two (2) non-resident assistants, interns, or employees at any one time per home occupation.

C. *Adult Entertainment Establishment*

1. No *adult entertainment establishment* shall be located within 1,000 feet of the property line.
2. Any *adult entertainment establishment* shall be set back at least 1,000 feet from any highway, street or right-of-way.
3. The adult use shall be conducted entirely within an enclosed building. No “*specified anatomical area*” or “*specified sexual activity*” (see definitions) shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.
4. No outside displays or advertising other than an approved sign shall be allowed.
5. The serving of alcoholic beverages shall be prohibited.

## ARTICLE VI. DIMENSIONAL REQUIREMENTS

The Village Dimension Table is provided in Appendix B.

### Section 6.01 Accessory Structures

- A. Except as otherwise provided by this section, *Accessory Structures* shall be allowed in all districts provided that they meet all of the provisions and requirements of this Local Law.
- B. The following *Accessory Structures* are exempt from the following *setbacks*:
  - 1. *Sheds* shall be exempt from the rear and side *yard setbacks* listed in the *Village Dimension Table* above, but shall conform to the following standards:
    - a. A *shed* shall not be closer to any property line than five (5) feet;
    - b. A *shed* shall not be located in a *front yard*;
    - c. Where an existing neighboring residence is located less than ten feet from the property line and the new *shed* is located less than ten feet from the same property line, the *shed* shall not be located within the area created by extending the edges of any first floor window in imaginary lines 90° from the horizontal and vertical plane of the wall in which the existing window on the neighboring residence is located.
    - d. No permanent foundation or concrete slab may be installed;
    - e. Storage shall be limited to personal property of the *owner* or occupant of the house.

### Section 6.02 Yard Setbacks at District Boundaries

- A. Where two properties are separated by a district boundary, the larger of the two required *yard setbacks* (regardless of which type of *yard*, *front*, *rear* or *side yard*) applies to the adjoining *yards* of both properties.
- B. Permitted *yard* encroachments
  - 1. The following *structures* and *building* features may encroach up to 10 feet into *yard setbacks* in all districts: eaves, cornices, canopies, bay windows, open porches, verandas, steps, balconies and any other architectural features which are consistent with Cambridge's historic character.

## ARTICLE VII. GENERAL REGULATIONS

### Section 7.01 Off-Street Parking

- A. Off-street parking spaces shall be required for all *buildings* constructed, substantially altered, or engaged in use after the effective date of this Local Law in accordance with the parking table (Appendix C).
1. Parking spaces required in all districts shall be located on the side or in the rear of the primary *structure*.
  2. Parking areas shall be designed in accordance with the Design Guidelines that are attached as an appendix to this Local Law.
  3. All square footage requirements refer to the gross useable area of the *building* or portion thereof dedicated to the use in question.
  4. In any district the Planning Board may, at its discretion, approve the joint use of a parking facility and grant a reduction in the parking requirements of up to fifty (50) percent by two or more *principal buildings* or uses where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the requirements by reason of variation of the time of use by patrons or employees, among such establishments. Evidence of such reduction shall use the methodology in the reference titled "Shared Parking," published by the Urban Land Institute or a methodology accepted by the Planning Board. Such reduction shall only apply to individual uses which require ten (10) or more spaces.
  5. No use shall be allowed parking facilities that accommodate more than 20% over the amount specified in this Article unless expressly allowed by the Planning Board as part of an application for *site* plan review.
  6. At least 10% of the area of any parking *lot* with spaces for 15 or more cars shall consist of a landscaped green space.
  7. Adjoining parking areas shall utilize shared points of access to/from the street and shall be interconnected whenever practicable. *Cross access easements* shall be utilized to formalize shared access arrangements.
  8. Parking lot dimensions:
    - a. Perpendicular Parking (90°):
      - i. Each parking space shall be nine feet by eighteen feet (9' x 18').
      - ii. The minimum aisle width shall be twenty-four feet (24') for two-way traffic.
      - iii. The minimum aisle width shall be twenty-two feet (22') for one-way traffic.



- b. Angled Parking (60°):
  - i. Each parking space shall be nine feet by twenty-two feet (9'x 22').
  - ii. The minimum aisle width shall be twenty-three feet (23') for two-way traffic.
  - iii. The minimum aisle width shall be eighteen feet (18') for one-way traffic.
- 9. For residential uses, a parking space may be fully enclosed (as a garage), covered (as a carport), or open. An open parking space shall have a total area of not less than 180 square feet with a minimum width of nine (9) feet. For single family dwellings, stacked parking may be used to accommodate more than one such space (as a driveway).
- 10. Bicycle parking devices (bike racks or bicycle lockers in accordance with guidelines published by the Association of Pedestrian and Bicycle Professionals) may also be required for all Business Use Group, and some Community Use Group and Residential Use Group uses, at the Planning Board's discretion.

B. In-lieu fee

- 1. The fee in lieu of providing parking spaces shall be based on the minimum number of spaces shown on the Off-Street Parking Chart after subtracting the number of spaces that the applicant actually provides.
- 2. The fee in lieu of providing parking spaces shall only be implemented when all other reasonable options are exhausted.
- 3. The fee shall be set by the Village Board of Trustees at the recommendation of the Planning Board and will be reviewed annually.
- 4. The fee collected for each parking space not provided by the applicant will represent the parking replacement cost (P R C) of providing and maintaining such parking at another location in the *Village*.

C. Parking fund

- 1. The fee in lieu of providing parking spaces shall be collected and deposited into a separate fund held by the *Village*.
- 2. The fund may be used to provide for the acquisition, improvement and maintenance of new and existing parking solutions, including the preparation of a *Village* parking plan. Acquisition of parking solutions can include, but are not limited to, outright purchase of either property or leases on property or the establishment and funding of a shuttle service to a parking area either within or outside the *Village* boundaries. Improvements to parking areas can include lighting, landscaping and

redesign. Maintenance includes, among other things, snow removal, landscaping, painting and repaving.

## **Section 7.02                      Off-Street Loading**

### **A. Off-street loading.**

1. Loading requirements vary with the specific uses proposed. Loading requirements shall ensure, to the extent feasible, that trucks can unload cargo in a manner that does not interfere with pedestrian and automobile traffic on public roads. Requirements for the number and location of loading facilities shall be established by the Planning Board during site plan review based upon:
  - a. The expected maximum number of vehicles using the loading facilities at times of peak usage.
  - b. The type of business, size of the *structure*, and size of vehicles to be servicing the *structure*.
  - c. The need to ensure pedestrian and automobile safety by separating loading operations from pedestrian and automobile circulation.
  - d. The need to screen vehicles and loading facilities from publicly accessible areas as well as from abutting properties, including the need for vegetative screening, buffers, and/or fencing.
  - e. The desirability of requiring service roads or alleys to achieve the purposes of this section.
  - f. Applicable planning and engineering standards, adapted to meet the needs of the particular business use proposed.
  - g. Other operational characteristics of the business or physical characteristics of the *site* deemed appropriate by the reviewing Planning Board or official.

## **Section 7.03                      Signs**

### **A. General Regulations.**

1. *Signs* are a permitted *accessory use*.
2. Except as otherwise provided below, a *sign* permit from the *Village* is required prior to the erection or relocation of any *sign*.
3. *Signs* are not permitted as principal uses.
4. No off-premises *signs* are allowed.
5. No *sign* shall be attached to any roof or mansard facade.
6. No *sign* may extend over the driving surface of any street or right-of-way.
7. No *sign* may extend more than four (4) feet over a property line.

8. No *sign* or part thereof shall contain or consist of banners, pinwheels, posters, pennants, ribbons, streamers or other similar moving, fluttering or revolving devices. Such devices, as well as strings of light, shall not be used for the purposes of advertising or attracting attention when not part of a *sign* except as provided below.
  9. No *signs* containing luminous material, sequin-studded lettering or lettering with fluorescent paint shall be allowed.
  10. *Signs* shall not be allowed on a *lot* unless such *signs* carry advertising indicating the business transacted, or the services rendered, or the goods sold or produced on the premises, and/or the name of the business or *person* occupying said premises.
  11. No A-frame type *signs*, portable *signs*, *signs* on rocks, trees and other parts of the natural landscape or *signs* on a public street shall be allowed, except as provided herein.
  12. *Signs* designating credit cards accepted may be displayed, but such *signs* shall not occupy more than two square feet of the *building* façade. If located in a window, said *signs* shall be computed as part of allowable interior *sign* area as described in 'Interior *Signs*' below.
  13. No *freestanding sign*, *projecting building sign*, *marquee sign*, or any other *sign* or *lighting device* shall be *erected* or maintained on any municipal property or right-of-way unless *erected* by the proper municipal authorities, except as provided herein.
  14. *Signs* or bulletin boards customarily incidental to places of worship, libraries, *museums*, social clubs or societies, shall be exempt from *sign* fees, if such *signs* or bulletin boards do not exceed 10 square feet and are located on the premises.
  15. Only one face of a *double-faced sign* shall be included in computation of *display area*.
  16. The *structure* supporting a *sign* is not included in determining the *display area* unless the *structure* forms an integral background for the display.
- B. Exempt Signs - The following *signs* are permitted without a permit, provided that such *signs* comply with the general regulations of this chapter:
1. *Temporary signs* in the form of *window signs* or banners in windows, provided that they do not occupy more than 35% of the window area they are displayed in and that they are not displayed for more than 14 consecutive days.
  2. *Signs* posted by governmental agencies or required by governmental law, order or regulations.

3. *Signs* required by the legal process.
  4. Historical tablets, memorial plaques or emblems installed by governmental agencies or religious or legally recognized not-for-profit not to exceed six square feet.
  5. Transportation signs, including but not limited to bus stops, not to exceed two square feet.
  6. *Signs* necessary for the identification, operation or production of a public utility.
  7. "Warning," "Private Drive," "Posted" or "No Trespassing" signs, not to exceed two square feet.
  8. *Signs* advertising the sale, lease or rental of a premises upon which the *sign* is located:
    - a. Residential zones: one *sign*, not to exceed six (6) square feet.
    - b. Commercial zones: one *sign*, not to exceed nine (9) square feet with no single dimension greater than five feet.
    - c. *Signs* shall be removed no later than three days after the transfer of title, lease or rental of the premises.
    - d. Off-premises "Open House" directional *signs* permitted on day of event only.
    - e. Non-illuminated project signs denoting the developer, architect, engineer, subcontractors or contractor on the premises where construction, repair or renovation is in progress. Each *project* shall be permitted one *sign* not to exceed thirty-two (32) square feet in area, to be removed upon completion of the *project* but not to be in place longer than two years. *Setbacks* from all property lines shall be a minimum of fifteen (15) feet.
  9. Private-owner merchandise sale *signs* for garage sales and auctions, not to exceed four square feet, for a period not to exceed seven consecutive days.
  10. Price *signs* required on gasoline pumps by New York State or federal law, not to exceed the minimum requirements established by law.
  11. 'Commercial Signs' for example, "Grand Opening," "End of Season," "Closeout," and "Going Out of Business" or *signs* with similar messages, provided that they are no more than fifteen 15 square feet with no single dimension greater than five feet, shall be permitted for no more than 14 consecutive days.
- C. The following *signs* are permitted, subject to the limitations provided below, in any use district, but require a permit as provided herein:

1. *Illuminated Signs*

- a. Any *illuminated sign* or *lighting device* shall employ only lights of constant intensity and no *sign* shall be illuminated by or contain flashing, intermittent or moving light or lights. The provisions of this section shall not be applied so as to prohibit a *sign* changing to show time, temperature, or event or tour schedules.
- b. In no event shall an *illuminated sign* or *lighting device* be placed or directed as to illuminate a public street, highway, sidewalk or adjacent premises as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- c. Internally illuminated *freestanding signs*, *projecting signs*, *wall signs*, or *signs* on *awnings* or canopies are prohibited. For other types of signs that are internally illuminated, the following provisions shall apply:
  - i. No neon or rope lights shall frame or highlight a window.
  - ii. Internally lit *signs* with a transparent or light background color are prohibited. Dark background internally lit *signs* are permitted.
  - iii. Only lettering, graphics, or logos shall be illuminated with the background areas darkened and sufficiently opaque so as to prevent light spillage.

2. *Projecting signs*

- a. Size. The maximum size of any *projecting sign* shall be five square feet.
- b. Material. *Projecting signs* shall be constructed of durable materials and designed to be consistent with the character of the building and district.
- c. Attachment. *Signs* shall be perpendicular to and attached to the *building face* of the premises which they advertise.
- d. Projection. *Signs* shall have a minimum projection of six inches and a maximum projection of three feet, six inches from the *building face*.
- e. Clearance. *Signs* shall have a minimum clearance of eight feet and a maximum clearance of 10 feet from the ground. All measurements of clearance are from the ground to the bottom of the *sign*.
- f. Encroachment. If any part of any *sign* encroaches into any air space over *Village* property, and if such encroachment is permitted by the *Village* Board, the *owner* of such *sign* shall execute a hold-harmless agreement upon such forms as provided by the *Village* and shall also provide to the *Village* proof of liability insurance with a minimum of \$500,000 per occurrence.

3. *Freestanding signs*.

- a. *Freestanding signs* shall not be permitted where the *building* is set less than ten (10) feet back from the property line.
- b. *Freestanding signs* larger than eight (8) square feet are subject to the *setback* and required *yard* provisions herein.

- c. No *freestanding sign* shall be *erected* or maintained where any part of the *sign* is closer than five feet to any existing *building*.
  - d. No *freestanding sign* shall have a *display area* exceeding 24 square feet with a maximum dimension of 10 linear feet on any one side, *height* or width.
  - e. No *freestanding sign* or its support shall exceed a *height* of 10 feet.
4. Interior signs. No *sign*, or combination of *signs*, *erected* or maintained in the window of a *building* and visible from any public or private street or highway, shall occupy more than 35% of the window area, except as provided herein.
5. *Wall signs*. Total wall signage shall not exceed one and one-half (1.5) square feet per linear foot of *building frontage*, ten percent (10%) of the total area of the *building* façade, or twenty-five (25) square feet, whichever is less.
6. *Awning and Canopy Signs*
- a. Lettering may be placed on the front and/or side panels of the *awning*, but not on the slope.
  - b. *Awning* lettering may contain names, numbers, and graphics limited to the business name or *building* name upon which the *awning* is located.
7. *Temporary Signs*.
- a. The *sign* shall be no more than 15 square feet with no single dimension greater than five feet.
  - b. Each permit shall not exceed 15 days.
  - c. Such *signs* shall not project more than 15 inches from the *face* of the *building* wall nor extend beyond the outer edge of the wall to which it is attached.
  - d. Such *signs* shall not attach to *fences*, trees, utility poles or the like, or be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
  - e. Placement of *temporary signs* shall not hinder pedestrian traffic.
  - f. Each business property *site* is allowed only one such *sign* at a time. Each such *sign* shall be affixed to the business property *site* of the property owner designated in the permit application.
  - g. A-frame-type *signs* shall conform to the following:
    - i. *Display area* no greater than three feet by three feet per side;
    - ii. One per store front;
    - iii. *Signs* shall be located no closer than six feet to a public curb line/street; and,
    - iv. Only displayed during open hours of business.
- D. Placement, number and *height* limitation of permitted *signs* unless otherwise provided.

1. Businesses may be granted a permit for two *signs*, one *freestanding double-faced sign* and one *sign* attached to a *building*, or two *signs* attached to a *building* (wall or projecting).
2. Businesses located with *frontage* on more than one street or public highway will be permitted one wall *sign* or one *projecting sign* or one freestanding *sign* facing each street, regardless of *frontage*.
3. A permit may be granted for the erection of directional *signs*, provided that each individual *sign* does not exceed three square feet in area and is limited to the text "entrance" or "exit." One directional *sign* shall be allowed for each curb cut or driveway associated with the business or parcel.

E. Restrictions.

1. Only one *wall sign* per business is permitted.
2. Businesses are not entitled to any additional *freestanding signs* due to any of the following circumstances:
  - a. A business being situated on two or more *lots*, regardless of whether such multiple *lots* were created as two or more parcels in one deed, multiple deeds, separate Tax Map parcels, or otherwise.
  - b. A business owned by a *person* or entity other than the *owner(s)* of the real property on which it is situated.
  - c. If a business is located upon one or more contiguous *lots* or parcels, only one freestanding *sign* is permitted, regardless of whether the ownership of such *lots* or parcels is the same.
  - d. If two or more businesses are located upon one or more contiguous *lots* or parcels, only one *freestanding sign* is permitted. The *owner* of such real property or business may elect which business to advertise or how the allowable signage is allocated among the various businesses.

F. Amortization of Non-Conforming *Signs*.

1. Non-conforming *signs*, existing either by *variance* previously granted or by conformance with the regulations existing when the original permit was granted, shall be removed or brought into compliance with the provisions herein no later than five (5) years after the adoption of this Local Law.

G. Sign Removal.

1. Any *sign* which does not comply with the regulations established for the issuance of a permit pursuant to this Local Law or which permit is revoked or which is deemed to be an abandoned *sign*; or which is not maintained in good and complete condition with lettering and graphics clean, legible, in true alignment and finishes in good repair, is prohibited and shall be brought into compliance.
2. The business, property and/or sign owner of any non-complying *sign* shall be in violation until such *sign(s)* is removed or repaired. The *Village* may, with thirty (30) days prior written notice to the property and/or sign owner(s), remove such *sign* without further notice or further proceedings at the expense of the property and/or sign owner. The expense may be recovered by the *Village* in an action instituted in a court having competent jurisdiction.

**Section 7.04                      Telecommunications Facilities/Towers (TF/T)**

- A. It is the purpose of this section to accommodate the communications needs of residents and businesses consistent with the applicable Federal and State regulations, while protecting the health, safety and general welfare of the residents of the Village of Cambridge by:
1. Facilitating the provisions of wireless telecommunication and other communication services to the residents and businesses of the *Village*, while simultaneously preserving the character, appearance and aesthetic resources of the *Village*.
  2. Minimizing the adverse visual effects of telecommunications *towers* and facilities through *development* of locational and approval criteria.
  3. Protecting the scenic, historic, environmental, natural and man-made resources of the *Village*.
  4. Preserving the property value of the community.
  5. Minimizing the undue proliferation and *height* of communications *towers* throughout the community.
  6. Avoiding potential harm to adjacent *persons* and properties from *tower* failure, noise, falling object and attractive nuisances through set-back and *height* limitations.
  7. Encouraging the shared use of existing and approved *towers* in order to reduce the number of *towers* needed to serve the community where reasonably possible, so as to minimize and mitigate the adverse visual impacts of *towers* and their facilities.



- B. These regulations are intended to be consistent with the Telecommunications Act of 1996 in that:
1. They do not prohibit, or have the effect of prohibiting, the provision of personal wireless services;
  2. They are not intended to be used to unreasonably discriminate among providers of functionally equivalent services; and
  3. They do not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.
- C. Standards – A TF/T shall meet the following standards and requirements:
1. *Towers* shall not be artificially lighted.
  2. If an *antenna* is installed on a *structure* other than a *tower*, the *antenna* and supporting electrical and mechanical equipment shall be of a neutral color identical to or closely compatible with the color of the supporting *structure*.
  3. Except for *towers* constructed and in use prior to the effective date of this Local Law, *towers* that are no longer in service as part of a TF/T network shall be removed within ninety (90) days of the cessation of the use of the *tower*.
  4. The applicant shall post a security deposit or bond in an amount satisfactory to the Planning Board and in a form acceptable to the *Village Attorney*, to assure the removal of those portions of the TF/T and any base station and ancillary support *structures* which were not in place prior to the effective date of this Local Law.
- D. Data - An application for approval of a TF/T shall contain the following:
1. An application for construction of a TF/T shall contain all the information ordinarily required by the Building Inspector for the issuance of the *building* permit.
  2. An application for construction of a TF/T shall include a report certifying that the electromagnetic emissions from the TF/T will be within the threshold limits established by the Federal Communications Commission, and certifying that the proposed facility will not cause interference with existing communication devices.

3. Upon installation of the TF/T the applicant shall submit to the Building Inspector an as-built survey of the TF/T, including a certification as to the finished *height* above ground level of the *structure*, certified to the Village of Cambridge by a Land Surveyor or Professional Engineer, licensed to practice in the State of New York.
4. Documentation of intent from the *owner* of the existing TF/T to allow collocation and shared use.
5. An engineer's report certifying that the proposed shared use of an existing *structure* or *tower* will not diminish the structural integrity and safety of the existing *structure* or *tower*.
6. A copy of its Federal Communications Commission (FCC) license.

## **Section 7.05                      Fences**

The following provisions are applicable to all fences constructed in the Village, whether or not a zoning permit is required for construction. (Sentence added March 7, 2012)

- A. A zoning permit is required for the construction of any fence located within ten (10) feet of a property line or right of way in the Village. (Amended March 7, 2012)
- B. *Fences* may be built up to, but not on, the property line and must be located entirely on the property of the property owner constructing the *fence*.
- C. *Fences* shall not encroach on any public right-of-way.
- D. The finished side of the *fence* shall face neighboring properties or the street.
- E. The *owner* of the *fence* must maintain both sides of the *fence*.
- F. The *height* of *fences*:
  1. shall not exceed four (4) feet in *front yards*,
  2. shall not exceed six (6) feet in *side* and *rear yards*,
  3. may exceed six (6) feet in a *rear yard* if the *fence* is used to enclose some internal portion of the *lot* (such as around a pool) and the *fence* is located at least 25 feet from the periphery of the lot.
- G. The use of barbed wire or electric *fences* is prohibited except in the RR District.

## Home occupation: Level 1

### A. *Home occupation Level 1:*

1. Shall be conducted in a manner which does not give the outward appearance of a business.
2. Shall be conducted within the home or *accessory structure*. Such use shall not alter the external appearance from a residential character.
3. Shall not generate automobile or truck traffic that would exceed the volume of traffic that would otherwise be generated by typical residential use.
4. Shall have no external storage of materials, equipment, containers, finished products or associated vehicles outside the home, outbuilding or garage other than that which is normally associated with residential use.
5. Shall be incidental and secondary to the use of a *dwelling unit* for residential purposes. Such uses shall occupy an area no greater than twenty-five percent (25%) of the gross *habitable area* on the *lot*. The space occupied by the *home occupation* itself does not necessarily have to be in the *habitable area*.
6. Shall be limited to one (1) per *lot* and shall not have any non-resident employees.
7. Shall display no *sign* or other indication of the *home occupation*.
8. Shall not provide any additional off-street parking above and beyond the parking already required.

## Section 7.06

## Mobile Homes

- A. It shall be unlawful for any *person* to park a *mobile home* on any public or private property except in accordance with the following standards:
  1. In an existing *mobile home park*.
  2. On a *mobile home* sales lot within an existing *mobile home park*.
- B. All new or replacement *mobile homes* proposed to be located in the *Village* shall have a HUD Seal or data plate to verify their proper construction.
- C. Notwithstanding the above, replacement of *mobile homes* existing at the time of adoption of this Local Law shall be allowed.

## **Section 7.07                      Chickens**

### **A. Permit:**

- a. An annual permit is required for housing domesticated fowl on any property within the Village. The Zoning Enforcement Officer will issue the permit upon receipt of a completed application, the annual fee and a determination that the housing of chickens meets the criteria detailed in this section.
- b. The fee accompanying such permit application will be set by Resolution of the Village Board of Trustees and will be subject to change, by Resolution, from time to time.
- c. By making an application for an annual permit, the applicant agrees to permit the Zoning Enforcement Officer to inspect the property and investigate any complaints and ensure compliance with the Code. Failure to permit such inspection to take place will result in the denial or revocation of the annual permit.

### **B. Standards:**

- a. Annual Permits will only be issued in the areas of the Village designated primarily for residential use. Chickens will only be permitted in areas designated RR, VR and RT.
- b. Permits will only be issued for housing chickens, as defined in the Zoning Code. Permits will not be issued for Roosters or other domesticated fowl.
- c. No more than eight (8) hens/chickens will be permitted on any property.
- d. Free –range chickens will not be permitted. All chickens must be housed within coops or runs as defined in the Code.
- e. Set-back Requirements:
  - i. Chicken coops and runs shall not be permitted within twenty-five feet of any adjoining property, including a street, right of way or easement for public access.
  - ii. No chickens shall be permitted within 100 feet of a well or source of drinking water.

iii. Chickens are not permitted in the front yard of any property.

f. Construction Standards:

- i. All chicken/hen coops and runs must meet the following standards:
  1. Coop: 2 sq. ft per bird
  2. Run: 10 sq. ft per bird
- ii. All coops and runs must be fully enclosed and constructed of materials that provide protection for the chickens from predators, including domestic animals.
- iii. Any openings in the coop or run must be secured with double latches.

g. Sanitation:

- i. All chickens must be housed in a clean and sanitary manner.
- ii. Housing chickens in any manner that produces odor is prohibited.
- iii. Feed and materials must be maintained in animal proof containers and must be vector proof.

C. Enforcement:

- a. Zoning Enforcement Officer is required to inspect any property upon receipt of a complaint regarding the housing of chickens.
- b. If the zoning officer finds conditions to be unacceptable or chickens housed in violation of any of the standards set forth herein, a written notice of violation will be issued.
- c. Upon receipt of a written notice of violation, the resident will have ten (10) calendar days to remedy the violation.
- d. Failure to remedy the violation within such specified time will result in the revocation of the annual permit.
- e. The issuance of more than two (2) notice of violations within one year span will result in the revocation of the annual permit and denial of a new request for permit.

- f. Upon revocation or denial of the annual permit by the Zoning Enforcement Officer, applicant may appeal the decision to the Zoning Board of Appeals.
  - g. Final determinations of the Zoning Board of Appeals are appealable by Article 78 of the New York State Rules of Civil Procedure.
- (Entire Section Added on March 7, 2012)

## ARTICLE VIII. CONSERVATION SUBDIVISIONS

### Section 8.01 Purpose and Applicability of Conservation Subdivisions

The purpose of these regulations is to achieve a balance between well-designed residential *development*, meaningful open space conservation, and natural resource protection in portions of the Village of Cambridge by requiring conservation subdivisions instead of conventional *subdivisions*. The use of conservation subdivisions is intended to preserve tracts of environmentally and scenically significant undeveloped land. Conservation subdivisions result in the preservation of contiguous open space and important scenic and environmental resources, while allowing compact *development*, more walkable and bikable neighborhoods, and more design flexibility than conventional subdivisions.

- A. These regulations shall apply to all *subdivisions* of property within the Rural Residential (RR) District unless the proposed *subdivision* results in a total of not more than four (4) *lots* created from one *parent parcel*. Note: This does not mean that the applicant must prepare a subdivision plan for the entire parcel [see Conservation Subdivision of a Portion of Larger Tract in this Local Law].
- B. Applicants for *subdivisions* in the RR District that result in a total of not more than four (4) *lots* created from one *parent parcel* may still utilize the conservation *subdivision* process described in this section, or they may utilize the conventional *subdivision* process described in the Village of Cambridge Subdivision Regulations. Though not required, applicants for these smaller *subdivisions* are strongly encouraged to consider utilizing the conservation subdivisions process, especially if the land to be subdivided contains special natural features.
- C. If a proposed *subdivision* in the RR District results in a total of not more than four (4) *lots* created from one *parent parcel*, and a conventional *subdivision* is pursued, the final *subdivision* plat must contain a prominent notation that includes the following:
  - 1. A note that a “*parent parcel*” as defined by this Local Law has been subdivided to create the new *lots*; and
  - 2. A reference to this Article and Section.

## Section 8.02 Standards for Conservation Subdivisions

### A. Density Calculation

1. The maximum number of residential units allowed on a *site* base density is calculated by a formula based upon the acreage of “unconstrained land” on the property.
  - a. To determine unconstrained acreage, subtract from the total (gross) acreage of the proposed *development* parcel the acreage of “constrained land.” Constrained land includes wetlands, watercourses, 100-year floodplains, and slopes over 25% which are 2,000 square feet or more of contiguous sloped area.
  - b. To determine the “base” number of allowable residential units on the *site*, divide the unconstrained acreage by the allowable number of acres per unit required within the zoning district. Round down fractional units of 0.5 or less and round up fractional units greater than 0.5. The resulting number is the “base density” allowed on the *site*.
2. The base density, as determined above, may be increased by up to 25% at the sole discretion of the Planning Board if permanent public access will be granted to the protected open space land and any associated improvements as delineated in Section 7.3 below.
3. The density permitted by this section shall not be reduced as a result of the conservation analysis required in B below or as a result of the reservation of parkland during the subdivision process.

### B. Conservation Analysis

1. As part of its Preliminary Plat submission, an applicant shall prepare a conservation analysis consisting of inventory maps, description of the land, and an analysis of the conservation value of various *site* features. The conservation analysis shall show lands with conservation value, including but not limited to the following:
  - a. “Constrained land” as defined above.
  - b. Buffer areas necessary for screening new *development* from adjoining parcels
  - c. Land exhibiting present or potential recreational, historic, ecological, agricultural, water resource, wildlife habitat, scenic or other natural resource value. The inventory and analysis from the Village Comprehensive Plan should serve as a guide in the initial identification of such resources.
2. The conservation analysis shall describe the importance and the current



and potential conservation value of all land on the *site*. In the course of its initial Preliminary Plat review, the Planning Board shall indicate to the applicant which of the lands identified as being of conservation value are most important to preserve.

3. The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the approved Preliminary Plat showing land to be permanently preserved by a conservation easement. The Preliminary Plat shall also show preferred locations for intensive *development* as well as acceptable locations for less dense *development*.
4. The final determination as to which land has the most conservation value and should be protected from *development* by conservation easement shall be made by the Planning Board. Whenever the Planning Board approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land (the "conservation findings"). The Planning Board shall deny an application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings.
5. The Preliminary Plan shall show the following as land to be preserved by conservation easement:
  - a. The constrained land identified in the density calculation described above, and
  - b. At least 40% of the land not preserved in (5)(a) above.
6. If, based upon the conservation analysis, the Planning Board determines in its conservation findings that there is no reasonable basis for requiring a conservation subdivision, the Board may approve a conventional *development* of the *site*. In order for the Planning Board to make such a determination, the applicant must demonstrate at least one of the following:
  - a. The land contains no substantial resources with conservation value;
  - b. The acreage is too small to preserve a substantial amount of land with conservation value (this criterion shall not be evaded by piecemeal *subdivision* of larger tracts); or
  - c. The *lot* configuration is unique and precludes preservation of a substantial amount of land with conservation value.

In order to make the required showing under (b) or (c) above, the applicant must also demonstrate that the parcel does not adjoin other land that, when combined with open space on the parcel, would result in the preservation of a substantial amount of land with conservation value (including any portion of a designated trail corridor), regardless of whether or not the adjoining parcels have been protected as open space.

7. An approval of a conventional *subdivision* shall refer to the conservation findings and may be conditioned upon the protection by conservation easement of portions of the *site* identified in the conservation analysis and findings as having conservation value.
- C. Lot sizes in Conservation Subdivisions. There shall be no minimum *lot* size in a conservation subdivision. The Planning Board shall determine appropriate *lot* sizes in the course of its review of a conservation subdivision. In order to permit a clustered *lot* configuration, wells and septic systems may be located in areas of protected open space, provided that necessary easements are provided for maintenance of these facilities.
- D. Other Area and Dimensional Requirements.
1. There shall be no required area, bulk, or dimensional standards in a conservation subdivision, except that where such subdivision abuts an existing residence in a residentially zoned area, a suitable buffer area shall be required by the Planning Board. This buffer shall be at least the same distance as the minimum *rear or side yard setback* in the district in which the abutting land is located.
  2. The applicant shall specify dimensional requirements for a proposed conservation *subdivision* by identifying *setbacks* and other *lot* dimensions to be incorporated into the Final Plat.
  3. When the Final Plat is filed with the County Clerk and a copy of the Final Plat is filed with the *Village* Clerk, the *Village* Clerk shall make appropriate notations and references thereto on the *Village* zoning map. The *Village* Clerk shall make such notations and references as needed, but not less frequently than semi-annually.
- E. Conservation Subdivision of a Portion of Larger Tract. The Planning Board may entertain an application for a *subdivision* of a portion of a parcel if a conservation analysis is provided for the entire parcel and the approval to develop a portion of the parcel is not a basis for the applicant or successor in interest to subsequently request an exception under subsection (B)(6) for the remainder of the parcel.

### **Section 8.03                      Permanent Open Space**

Open space set aside in a conservation subdivision shall be permanently preserved as required by this Section. Any *development* permitted on land located in a conservation subdivision that is not protected as open space shall not compromise the conservation value of such open space land.

- A. Conservation Value of Open Space. The open space protected pursuant to this Section must have “conservation value,” which shall be determined in the course of the conservation analysis described in Section 7.2 above.
- B. Permanent Preservation by Conservation Easement
1. A perpetual conservation easement restricting *development* of the open space land and allowing use only for agriculture, forestry, *passive recreation*, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the *Village*, with the approval of the *Village* Board, and/or to a qualified not-for-profit conservation organization acceptable to the *Village* Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The Planning Board shall require that the conservation easement be enforceable by the *Village* if the *Village* is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk’s Office and with the NYS Department of Environmental Conservation, and recording information (liber and page) shall be shown on the Final Plat prior to filing of the Final Plat in the County Clerk’s Office.
  2. The conservation easement shall prohibit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and *passive recreation*) and shall not be amendable to permit such use. Driveways, wells, underground sewage disposal facilities, local utility distribution lines, *storm water* management facilities, trails, and agricultural *structures* shall be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. If conducted, forestry shall be executed in conformity with applicable best management practices as described by the NYS Department of Environmental Conservation’s Division of Lands and Forests.
  3. A land management plan, approved by the Planning Board, shall be included in the conservation easement. The conservation easement shall provide that if the *Village* Board finds that the management plan has been violated in a manner that renders the condition of the land a public nuisance, the *Village* may, upon 30 days written notice to the *owner*, enter the premises for necessary maintenance, and that the cost of such maintenance by the *Village* shall be assessed against the landowner or, in the case of a *homeowner’s association* (HOA), the *owners* of properties within the *development* and shall, if unpaid, become a tax lien on such property or properties.
  4. Preserved open space may be included as a portion of one or more large

*lots*, or may be contained in a separate open space *lot*. The conservation easement may allow dwellings to be constructed on portions of *lots* that include preserved open space land, provided that the total number of dwellings permitted by the conservation easement in the entire *subdivision* is consistent with applicable density limitations as determined under Section 7.2 above.

C. Notations on Final Plat. Preserved open space land shall be clearly delineated and labeled on the *subdivision* Final Plat as to its use, ownership, management, method of preservation, and the rights, if any, of the *owners* of *lots* in the *subdivision* and the public to the open space land. The Final Plat shall clearly show that the open space land is permanently preserved for conservation purposes by a conservation easement required by this Section, and shall include deed recording information in the County Clerk's office for the conservation easement.

D. Ownership of Open Space Land

1. Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be owned in common by a *homeowner's association* (HOA), offered for dedication to *Village*, County, or State governments, transferred to a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.
2. If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:
  - a. The HOA application must be submitted to the NYS Attorney General's Office before the approved *subdivision* Final Plat is signed, and must comply with all applicable provisions of the General Business Law. The HOA must be approved by the NYS Attorney General's Office prior to issuance of the first Certificate of Occupancy from the County.
  - b. Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
  - c. The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
  - d. Property *owners* must pay their pro rata share of the costs in (b) above, and the assessment levied by the HOA must be able to become a lien on the property.

- e. The HOA must be able to adjust the assessment to meet changed needs.
- f. The applicant shall make a conditional offer of dedication to the *Village*, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the *Village*, at the discretion of the *Village* Board, upon the failure of the HOA to take title to the open space from the applicant or other current *owner*, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
- g. Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual *owners* in the HOA and the dwelling units they each own.
- h. The *Village* Attorney's Office shall find that the HOA documents presented satisfy the conditions in Subsections (a) through (g) above and such other conditions as the Planning Board shall deem necessary.

#### **Section 8.04                      Conservation Subdivision Procedures**

Applicants for conservation *subdivision* approval shall comply with the conservation *subdivision* procedures outlined in the Village of Cambridge *subdivision* Regulations.

## ARTICLE IX. SITE PLAN REVIEW

### Section 9.01 Purpose

- A. The purpose of this article is to allow the proper integration of uses into the community based on their characteristics, or the special characteristics of the area in which they are to be located; to allow the *Village* to accommodate growth without creating an adverse effect on the *Village* and its citizens and taxpayers; to protect the health, safety and welfare of the citizens; and to promote consistency with the goals and objectives of the Village of Cambridge Comprehensive Plan.
- B. Applicability - This provision applies to all new Business Group Uses or changes from one Business Group Use to another; all new Community Group Uses or changes from one Community Group Use to another; all new, or changes to, uses within the Main Street Mixed-Use District; all new, or changes to, uses within any Overlay District; and all uses requiring a Special Use Permit.

### Section 9.02 Site Plan Review and Approval Procedure

- A. Application shall be made to the Planning Board using forms supplied by the *Village* Clerk. Application must be received by the *Village* Clerk not less than five (5) business days prior to a scheduled Planning Board meeting to be placed on the agenda for that meeting.
- C. Prior to formal submission of a detailed site plan, applicants shall schedule a Sketch Plan conference.
- D. All applicants in the (MU), (GC), (RT) Zoning Districts shall refer to the Village of Cambridge Design Guidelines prior to scheduling a Sketch Plan conference.
- E. The purpose of the sketch plan conference is to allow the Planning Board to review the basic *site* design concept, provide the applicant with constructive suggestions, and generally, to determine the information to be required for the site plan. In order to accomplish these objectives, the applicant:
  - 1. Must provide a brief narrative and preliminary concept showing the locations and dimensions of principal and *accessory structures*, parking areas, and other planned features and any anticipated changes in the existing topography and natural features.
  - 2. Must provide a sketch or map of the area which clearly shows the location of the *site* with respect to nearby streets, rights-of-way,

properties, easements and other pertinent features within 200 feet.

3. May be required to provide a topographic or contour map of adequate scale and detail to show *site* topography.
- F. If the Planning Board determines that the information submitted for the sketch plan is sufficient, it may, at its discretion, conduct site plan review at the sketch plan meeting without requiring additional information or scheduling a separate site plan meeting.
- G. If additional information is requested by the Planning Board after the sketch plan conference, the Planning Board may allow for revision of the sketch plan and review in a sketch plan meeting or may require a complete application to be submitted to the Planning Board.
- H. Upon acceptance of the application, at the formal submission phase, the applicant shall provide the Planning Board with complete copies of the required documentation for each Planning Board member, the *Village* file and the Washington County Planning Board. The applicant shall be notified as to the total number of copies required prior to submission.

### **Section 9.03                      Application Content**

- A. The Planning Board may request that the applicant provide the information requested at the Sketch Plan conference and may further request any or all of the items from the following list. The Planning Board is not limited to this list and may request any additional information it deems necessary or appropriate. In determining the amount of information it will require, the Planning Board will consider the type of use, its location, and the size and potential impact of the *project*. It is understood that the applicant may need to obtain professional assistance to provide some of these items.
- B. Site plan checklist:
  1. Title of drawing, including name and address of applicant and *person* responsible for preparation of such drawing.
  2. Boundaries of the property, plotted to scale, and including north arrow, scale and date.
  3. Relevant tax map numbers.
  4. Identification of public streets.
  5. Existing watercourses and wetlands.
  6. Grading and drainage plan showing existing and proposed contours.
  7. Location, design and type of construction, proposed use and exterior

dimensions of all *buildings*.

8. Location, design and type of construction of all parking and truck loading areas showing access and egress.
9. Provision for pedestrian access including sidewalks along public streets. Pedestrian facilities shall be ADA (American's with Disabilities Act) compliant. Sidewalks must be constructed continuously across all driveways.
10. Provisions for bicycle parking, such as bicycle racks or bicycle lockers as appropriate. All bicycle parking devices shall be provided in accordance with guidelines published by the Association of Pedestrian and Bicycle Professionals (APBP). Some portion of bicycle parking should be provided in a covered area protected from the weather.
11. Location, type and screening details of waste disposal containers and outdoor storage areas.
12. Location, design and construction materials of all existing or proposed *site* improvements, including drains, culverts, retaining walls and *fences*.
13. Description of the method of sewage disposal, location, design and construction materials of such facilities.
14. Description of the method of securing public water and location, design and construction materials of such facilities.
15. Description of the method of securing all other utilities, location, design and construction materials of such facilities.
16. Location of fire and other emergency zones, including the location of fire hydrants.
17. Location, design and construction materials of all energy distribution facilities.
18. Location, *height*, size, materials and design of all proposed signage.
19. Identification of street number(s) in accordance with any applicable 911 numbering system, and method for ensuring that *building* identification numbers are installed in a manner that will be visible to emergency responders during the day and night.
20. Location and proposed *development* of all buffer areas, including existing vegetation cover.
21. Location and design of outdoor lighting facilities.
22. Location, *height*, intensity and bulb type of all external lighting fixtures.
23. Direction of illumination and methods to eliminate glare onto adjoining properties.



24. Identification of the location and amount of *building* area proposed for retail sales or similar commercial activity.
  25. Proposed limit of clearing showing existing vegetation including individual trees with a DBH of 6" or greater within the clearing line.
  26. Landscaping plan and planting schedule.
  27. Estimated *project* construction schedule.
  28. Record of application for and approval status of all necessary permits from state and county agencies.
  29. Identification of any state or county permits required for the project's execution.
  30. Other elements integral to the proposed *development* as considered necessary by the Planning Board.
  31. *Storm water* Management Plan.
  32. Application fee.
- C. Environmental Review. Applications for site plan review and approval shall be accompanied by a short-form or a long-form Environmental Assessment Form (EAF) or a draft Environmental Impact Statement (EIS), as required by SEQRA.

#### **Section 9.04                      Planning Board Action on Site Plan Application**

- A. *Site* inspections. The Planning Board, and any such *persons* as they may designate, may conduct such examinations, tests and other inspections of the *site(s)* which are the subjects of such applications, as the Planning Board deems necessary and appropriate. Said inspections shall be in accordance with the Open Meetings Law.
- B. Public Hearing
1. The Planning Board may hold a public hearing. Any such public hearing shall be held within 62 days following the receipt by the Planning Board of a complete application.
  2. In determining whether a public hearing is necessary, the Planning Board shall be guided by the expected level of public interest in the *project*.
  3. Applicants may request a public hearing. When an applicant requests a public hearing, no site plan review *project* may be disapproved without such a hearing.
  4. Notice

- a. The Planning Board shall notice the public hearing by publication in the official newspaper at least 5 days prior to the date of the public hearing.
  - b. The Planning Board shall make a decision of the application within 62 days after such a hearing or after the application is received if no hearing has been held.
5. If the Planning Board must hold a SEQR hearing as lead agency, the notice of hearing must be published at least 14 calendar days prior to the date of the public hearing in the official newspaper of the *Village*.
6. Professional assistance. The *Village* finds that the members may need professional assistance to make informed decisions. The Planning Board may engage the services of professional consultants during site plan review, at the expense of the applicant. The cost of said review shall not exceed 3% of the *project value*, absent good cause shown and consent of all parties. The cost is separate from any other fees or costs associated with SEQRA review. Prior to submission to professional consultants, the applicant shall pay to the Village an amount to be held in escrow equal to the amount estimated by the professional for services to be rendered. Until those funds are so deposited, the matter will not be referred to the professional consultant.
- C. If the applicant requires a *special use permit*, the Planning Board shall refer to this Local Law.
- D. Planning Board Decision.
  1. The Planning Board shall render a decision within 62 days after a required public hearing or within 62 days after the receipt of a complete application where no public hearing was required.
  2. The Planning Board shall approve, approve with modifications, or disapprove.
  3. The Planning Board's review of the site plan shall include, but is not limited to, the following considerations:
    - a. Location, arrangement, size, design and general *site* compatibility of *buildings*, lighting and *signs*.
    - b. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
    - c. Location, arrangement, appearance and sufficiency of off-street parking and loading.
    - d. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.

- e. Adequacy of *storm water* and drainage facilities.
  - f. Adequacy of water supply and sewage disposal facilities.
  - g. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
  - h. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
  - i. Special attention to the adequacy and impact of *structures*, roadways and landscaping in areas with susceptibility to ponding, flooding and/or *erosion*.
  - j. Conformance with the design guidelines to the maximum extent practicable.
4. The Planning Board may alter the dimensional requirements so that they are more restrictive than the minimums and maximums provided in the Dimensional Requirements table, if unique characteristics of site and/or use are demonstrated.
  5. No approval or approval with conditions shall be granted until the Planning Board determines that the applicant is in compliance with all other provisions of this Local Law.
- E. Filing of decision.
1. The Planning Board shall notify the applicant in writing of its decision.
  2. The decision of the Planning Board shall immediately be filed in the office of the Village Clerk and a copy thereof mailed to the applicant.
  3. The Planning Board, in conjunction with its approval of any site plan review *project*, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further *development* of *principal buildings*, whether by deed restriction, restrictive covenant, or other similar appropriate means, to ensure that guidelines as to intensity of *development* as provided in this Local Law shall be respected. The Planning Board may impose reasonable conditions to ensure that the *project* will be adequately supported by services and improvements made necessary by the *project* and to ensure that the *project* will be completed in accordance with the requirements and conditions authorized under this Local Law. In addition, the Planning Board may require that the *Zoning Enforcement Officer* incorporate any such requirements and conditions in any permit issued with regard to such site plan review *project*.
  4. Upon approval of the site plan and payment by the applicant of all fees and reimbursable expenses due to the *Village*, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant and the *Zoning Enforcement Officer*, and file same with the

*Village* Clerk. Upon disapproval of a site plan, the Planning Board shall so inform the *Zoning Enforcement Officer* and the *Zoning Enforcement Officer* shall deny a zoning permit to the applicant.

## ARTICLE X. SPECIAL USE PERMITS

### Section 10.01 Special Use Permit Review

- A. Intent: The intent of this Article is to set forth additional requirements which shall apply to certain land uses and activities which, due to their characteristics or the special characteristics of the area in which they are to be located, require special consideration so that they may be properly located and planned with respect to the objectives of this Local Law and their effect on the surrounding properties and community character.
- B. All applications must comply with the following standards. Additional standards for certain uses that require a *special use permit* are found in Article IV.
- C. The primary purpose of *special use permit* review is to ensure compatibility with the surrounding neighborhood and to ensure the long-term benefit of the use to the *Village*.
- D. *Special Use Permit* Procedure. All special use permit review and approval shall occur concurrently with site plan review. Applicants shall refer to the site plan review article for application content.
- E. The Planning Board shall not issue a *special use permit* unless it makes a recorded finding that the proposed use will satisfy the standards set forth herein. In order to reach positive findings in support of the *special use permit*, the Planning Board may require conditions of, and/or modifications to, the *project*. Such conditions must relate to the impact of the *project*. If the Planning Board does not make a positive finding in support of the *special use permit*, it shall deny the *special use permit*. In issuance of such a denial, the record of the Planning Board must address the standards outlined below and include the facts and reasons upon which such denial was based:
  - 1. Compatibility of the proposed use with the principles of the district, the purposes set forth in this Local Law, and the goals of the Comprehensive Plan.
  - 2. Compatibility of the proposed use with adjoining properties and with the natural and man-made environment.
  - 3. Adequacy of parking, vehicular circulation and infrastructure for the proposed use, and its accessibility to fire, police, and emergency vehicles.
  - 4. The overall impact on the *site* and its surroundings considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.
  - 5. Restrictions and/or conditions on design of *structures* or operation of the use (including hours of operation) necessary either to ensure

compatibility with the surrounding uses or to protect the natural or scenic resources of the *Village*.

6. Consistency of the location of the proposed use with the goal of creating a healthy mix of uses that enhances the commercial viability of the *Village*.
7. Compatibility with the historic character and use of the *structure* or *structures* and the historic character of the *site* and in the surrounding area.
8. Consistency with the requirements for site plan approval, including the design guidelines for *projects*.

## **Section 10.02                      Planning Board Action**

- A. Site Plan approval. Site plan approval is a required step in the consideration of all *special use permit* uses and shall be carried out either prior to, or in conjunction with, these *special use permit* procedures.
- B. Public Hearing
  1. The Planning Board will schedule a public hearing within sixty-two (62) days of the date of the meeting at which the application was considered complete for receipt by the Planning Board.
  2. The *Village* shall give public notice of such a hearing by causing publication of a notice of hearing in the official newspaper at least five (5) days prior to the hearing date. Such notice of hearing shall be mailed directly to all land *owners* within two hundred and fifty (250) feet of the property line at least ten (10) days prior to the hearing date. The cost of the notification shall be billed to the applicant.
  3. After the conclusion of a public hearing for a *special use permit*, including site plan approval, the Planning Board shall grant, deny, or grant subject to conditions, the *special use permit* within sixty-two (62) days.
- C. The conditions for granting a *special use permit* will contain any modification or conditions to the site plan that the Planning Board deems necessary to conform to the provisions of this Local Law.
- D. The decision of the Planning Board shall be filed in the office of the Clerk, and a copy thereof mailed to the applicant.

**Section 10.03**                      **Special Use Permit Expiration, Revocation and Enforcement**

- A. A *special use permit* shall be deemed to authorize only the particular special use or uses *specified* therein.
- B. A *special use permit* will expire if the applicant fails to obtain a building permit or fails to comply with the conditions of the *special use permit* (unless other provisions are set forth by the Planning Board in connection with its approval) eighteen (18) months after approval.
- C. A *special use permit* will expire if the special use or uses shall cease for any reason for more than twenty-four (24) consecutive months.
- D. A *special use permit* may be revoked by the Planning Board if the conditions of the *special use permit* are violated.
- E. Any violation of the conditions of a *special use permit* or a violation of any applicable performance criteria of this Local Law shall be deemed a violation of this Local Law and shall be subject to enforcement action as provided herein.
- F. All *special use permits* shall run with the land and will be transferred to successive property *owners* provided the permit has not expired and it is not revoked for failure to meet the permit conditions.

## ARTICLE XI. DEMOLITION PERMIT

### Section 11.01 Purpose

- A. The purpose of this article is to ensure that the *demolition of structures* in the Village of Cambridge does not negatively impact the health, safety, and welfare of *Village* residents generally, and surrounding properties specifically. It is also the purpose of this article to help preserve community character consistent with the *Village's* adopted Comprehensive Plan and this Local Law.
- B. Applicability - *Demolition permits* are required for the *demolition* of all *buildings, structures*, and portions of *buildings* or *structures*, greater than 140 square feet within the Village of Cambridge, with the exception of *farm buildings*. Dismantling or removing any such *building* or outbuilding from a property is considered a *demolition* and requires a *demolition permit* which can be obtained from the *Village*. The provisions of this Article do not supersede the Village of Cambridge's Unsafe Buildings Law.

### Section 11.02 Demolition Permit Application and Procedure

- A. Required application information
  - 1. Two sets of site plans showing all *buildings* on the *site* and indicating which *building(s)* on the *site* is to be demolished;
  - 2. The signature of the applicant or authorized agent;
  - 3. A description of the *site* on which the proposed work is to be done;
  - 4. A statement of the use or occupancy of all parts of the land and of the proposed *building* or *structure*;
  - 5. A brief description of the proposed work;
  - 6. A release from each applicable utility, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been or will be removed or sealed and plugged in a safe manner prior to *demolition*;
  - 7. The full name and address of the *owner* and the applicant and, if either be a corporation, the names and addresses of responsible officers; and
  - 8. The application fee.
- B. The applicant may request that the requirement of plans and specifications be waived where the work to be done involves minor *alterations* or where such plans and specifications are otherwise unnecessary.



- C. If the *demolition* of a *structure* or *building* is included in a Site Plan or *Subdivision* Application; the *Demolition Permit* shall be completed in addition and incorporated with a Site Plan and/or *Subdivision* Application.
- D. The applicant shall notify the *Zoning Enforcement Officer* of any changes in the information contained in the application during the period for which the permit is in effect. A permit shall be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of this Local Law. The authority conferred by such permit may be limited by conditions, if any, contained therein.
- E. A permit issued pursuant to this Article shall be prominently displayed on the property or premises to which it pertains.
- F. A permit issued pursuant to this Article may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with this Local Law or with any condition attached to such permit, or if there has been a misrepresentation or falsification of a material fact in connection with the application for the permit.
- G. A *demolition permit* issued pursuant to this Local Law shall expire six months from the date of issuance or upon the issuance of a certificate of completion of the permitted work, whichever occurs first. A *demolition permit* may, upon written request, be renewed for successive six month periods. Renewals of permits may be granted only if:
  - 1. The permit has not been revoked or suspended at the time the application for renewal is made;
  - 2. The relevant information in the application is up to date; and
  - 3. Any applicable renewal fee is paid.
- H. The *Zoning Enforcement Officer* shall issue a *demolition permit* within 30 days of receipt of a complete application unless:
  - 1. The *demolition* involves a *building* or *structure* that is listed on the State or National Registers of Historic Places or that is located within the boundaries of the Village of Cambridge National Register Historic District, or as located within the locally designated Historic District.
    - a. The *Zoning Enforcement Officer* shall forward an application for such *demolition permit* to the Historic Preservation Commission for consideration under the *Village's* Historic Preservation Ordinance.

## ARTICLE XII. VARIANCES AND APPEALS

### Section 12.01 Appeals from Official Orders, Requirements, Decisions and Determinations

- A. The Zoning Board of Appeals shall perform the duties and powers prescribed by the laws of New York State and by this Local Law in connection with requests for *variances* from this Local Law and appeals to review any order, requirement, decision, interpretation or determination made by officials charged with the enforcement of this Local Law. Unless otherwise provided by this Local Law, the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the administrative officials charged with the enforcement of this Local Law.
- B. Administrative review. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, interpretation or determination of any such administrative official or to grant a use *variance* or area *variance*. Such appeal may be taken by any *person* aggrieved, or by an officer, department, board or bureau of the *Village*. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, interpretation or determination made by officials charged with the enforcement of this Local Law. In so doing, the Zoning Board of Appeals shall have all of the powers of such officials in granting relief in the form of reversal, modification, affirmation, interpretation or determination.

### Section 12.02 Appeals for Variances

The Zoning Board of Appeals shall have the power to vary or modify the application of this section, where it imposes practical difficulties or unnecessary hardship. Upon appeal for a *variance* and after public notice and hearing, the Zoning Board of Appeals may grant such *variances* relating to the use, area, construction or *alteration of structures* or use of land, so that the spirit of this Local Law is observed, *public safety* and welfare secured and substantial justice done.

- A. Use *Variances*.
  - 1. Use *variances* shall not be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused an unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals

that, for each and every permitted use under the zoning regulations for the particular district where the property is located:

- a. The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence;
  - b. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
  - c. The requested use *variance*, if granted, will not alter the essential character of the neighborhood; and
  - d. That the alleged hardship has not been self-created.
2. The Zoning Board of Appeals, in the granting of use *variances*, shall grant the minimum *variance* that it deems necessary and adequate to address the unnecessary hardship proved by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

B. *Area Variances.*

1. In its consideration of area *variances*, the Board of Appeals shall take into account the benefit to the applicant if the *variance* is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board of Appeals shall also consider:
  - a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area *variance*;
  - b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area *variance*;
  - c. Whether the requested area *variance* is substantial;
  - d. Whether the proposed *variance* will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area *variance*.
2. The Zoning Board of Appeals, in the granting of area *variances*, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

### **Section 12.03                      Imposition of Conditions**

The Zoning Board of Appeals shall, in the granting of both use *variances* and area *variances*, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law and shall be imposed for the purpose of minimizing any adverse impact such *variance* may have on the Village of Cambridge.

### **Section 12.04                      Appeal Process and Procedures**

- A. Application. Application for appeal shall be in writing and must be filed with the *Zoning Enforcement Officer* within 60 days after the filing of the order, requirement, decision, interpretation or determination that is being appealed. Such application shall refer to the specific provisions of this Local Law involved and shall specify the grounds for the *variance* requested, the interpretation claimed or the reversal of an order, requirement, decision or determination of an administrative official and the relief sought. The *Zoning Enforcement Officer* shall forward the application to the Zoning Board of Appeals. The Zoning Board of Appeals may request additional information, including but not limited to any or all of the items listed in this Local Law.
- B. SEQRA. The Zoning Board of Appeals shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617, of the New York Codes, Rules and Regulations.
- C. Meetings. Meetings of the Zoning Board of Appeals shall be open to the public to the extent provided in this section. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact; it shall also keep records of its examinations and other official actions.
- D. Assistance of employees. The Zoning Board of Appeals shall have the authority to call upon any department, agency or employee of the *Village* for such assistance as shall be deemed necessary and as shall be authorized by the *Village* Board of Trustees. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.
- E. Hearing on appeal. The Zoning Board of Appeals shall fix a reasonable time within 62 days of receipt of an appeal for the hearing of an appeal or other matter referred to it and give public notice of such hearing by publication in the official newspaper of the *Village* at least five days prior to the date

thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in *person* or by agent or attorney.

- F. Time of decision. The Zoning Board of Appeals shall decide upon the appeal within 62 days after such hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Zoning Board of Appeals.
- G. Filing requirements and notice of decision. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the *Village* Clerk and shall be a public record. Decisions of the Zoning Board of Appeals on appeal shall be filed within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- H. Action. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, interpretation or determination made by officials charged with the enforcement of this Local Law. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance.
- I. Rehearing. A motion for the Zoning Board of Appeals to hold a hearing to review any order, decision or determination of the Zoning Board of Appeals not previously reheard may be made by any member of the Zoning Board of Appeals. A unanimous vote of all members of the Zoning Board of Appeals then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Zoning Board of Appeals may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided that the Board of Appeals finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.
- J. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this Local Law, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning

Board of Appeals or by a court with jurisdiction on application, with notice to the administrative official from whom the appeal is taken, and on due cause shown.

- K. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of Appeals and without any further hearing by the Zoning Board of Appeals, a decision on any appeal including the granting of area and use variances shall automatically lapse and expire if the applicant fails to exercise the variance or fails to obtain any necessary building permits within one year of the date the decision is filed.

## ARTICLE XIII. NON-CONFORMING USES AND STRUCTURES

### Section 13.01 Non-Conforming Uses

- A. Continuance. Any *non-conforming use* which existed lawfully at the time of adoption of this Local Law may be continued, subject to the following provisions.
- B. Expansion. A *non-conforming use* shall not be enlarged or extended beyond the area occupied by such use at the time of the adoption of this Local Law.
- C. Relocation. A *non-conforming use* may not be moved in whole or in part to any other portion of the *lot* occupied by such *non-conforming use*.
- D. Modification. A *non-conforming use* shall not be changed to any other *non-conforming use*.
- E. Replacement. If a *non-conforming use* is replaced by another use, such use shall conform to this Local Law.
- F. Destruction. If any *building* or *structure* in which a *non-conforming use* is conducted is hereafter removed, or destroyed by fire, wind, explosion, structural failure or other natural cause, to the extent of fifty percent (50%) or more of its fair market value at the time of such damage, the use shall not be reinstated, unless a *Special Use Permit* for the use is granted by the Planning Board.
- G. Discontinuance. If a *non-conforming use* is discontinued for a period of twelve (12) consecutive months it shall expire, and any subsequent use on that *lot* shall conform to the regulations of the district in which it is located.

### Section 13.02 Non-conforming Buildings, Structures and Lots

- A. Continuance. Where a lawful *structure*, *building* or *lot* exists at the effective date of adoption or amendment of this Local Law that could not be built under such adoption or amendment by restriction on the *lot area*, *lot coverage* area, *height*, *yards* or other characteristics of the *structure* or its location on the *lot*, such *structure* may be maintained so long as it remains otherwise lawful, subject to the following provisions.

- B. Expansion. Nothing in this Local Law shall prevent the strengthening or *alteration* to a safe condition of all or part of a *building* or *structure* that is non-conforming provided that the repair or *alteration* will not increase the *height*, size or volume of the *building* or *structure* or otherwise increase the nonconformity.
- C. Additions, *Alterations*, Maintenance and Repairs
1. A non-conforming *building*, *structure* or *lot* shall not be added to or enlarged or altered in any manner, in a way which increases its nonconformity.
  2. Should such *structure* or *building* be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  3. A non-conforming *building* or *structure* is hereby required to be maintained in such condition as will not constitute a danger to the health, safety, or general welfare of the public.
  4. A single-family dwelling may be enlarged or rebuilt to within the dimensional provisions of the district where it is located.
- D. Discontinuance
1. A *building* or *structure*, or a portion thereof, shall be deemed discontinued if: the *building* or *structure* is vacant for twelve (12) consecutive months, or, if in a lesser period of time, there is a manifestation of a clear intent on the part of the *owner* to abandon the non-conforming *building* or *structure*.
  2. If deemed discontinued, such *building* or *structure* shall not be reestablished and any subsequent use shall not commence until the *building* or *structure* is brought into conformity with the provisions of the district in which it is located.
- E. Restoration. A non-conforming *building* or *structure* destroyed or damaged by fire, wind, explosion, structural failure, or other natural cause may be restored or re-built in-kind.
- F. Completion of substantially constructed *structures*. Nothing contained in this Local Law shall require any change in plans, construction, *alteration* or designated use of a *structure* for which substantial construction work has lawfully commenced prior to the adoption of this Local Law.



## ARTICLE XIV. ADMINISTRATIVE PROVISIONS

### Section 14.01 General Provisions

- A. Notice of public hearing. Each notice of hearing upon an application for site plan review, a *special use permit*, or for the review of a *variance* application upon an appeal to the Zoning Board of Appeals, or any other public hearing shall be published once in the official newspaper of the *Village* at least 5 days prior to the date of the hearing. In addition, at least 10 days prior to the date of the hearing, notices shall be mailed to all *owners* of property within 250 feet of the exterior boundary of the property for which the application is being made, as may be determined by the latest assessment records of the *Village*.
- B. Referral to County Planning Board
  - 1. Any *variance* application, site plan review or zoning change application within the following thresholds shall be referred to the Washington County Planning Board for their review and comment:
    - a. Within 500 feet of the *Village* boundary.
    - b. Within 500 feet of an existing or proposed county or state park or recreation area.
    - c. Within 500 feet of a right-of-way of any existing or proposed parkway, thruway, expressway, road or highway.
    - d. Within 500 feet of any existing or proposed county or state *stream* or drainage channel or easement.
    - e. Within 500 feet of the existing or proposed boundary of any county or state owned land on which a public *building* or institution is situated.
    - f. Within 500 feet of the boundary of a *farm* operation located in an agricultural district as defined by article 25-AA of the Agriculture and Markets Law.
    - g. Public *building* or institution.
  - 2. Within 30 days after receipt of a full statement of such referred matter, the Washington County Planning Board shall report its recommendations to the referring *Village* body. If the county fails to report within 30 days, the *Village* body may act without such report. If the county disapproves the proposal, or recommends modification thereof, the *Village* body having jurisdiction shall not act contrary to such disapproval or recommendation, except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

3. Within 7 days after final action by the *Village* body, a report of said final action shall be filed with the Washington County Planning Board.
- C. Records to be retained. The original or a certified copy of all decisions, approvals, rulings and findings of any board under this Local Law, and of all permits and certificates issued under this article, shall be promptly furnished by the *Zoning Enforcement Officer* to the *Village* Clerk and retained as a permanent *Village* public record.
- D. Assistance to Boards. Planning Board and Zoning Board of Appeals shall have the authority to call upon any department, agency or employee of the *Village* for such assistance as shall be deemed necessary and as shall be authorized by the *Village* Board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance. The Planning Board and Zoning Board of Appeals shall have the power and authority to employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding the appropriation that may be made therefore by the *Village* Board.
- E. The Planning Board and Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part Six Hundred Seventeen of the New York Codes, Rules and Regulations.

#### **Section 14.02                      Zoning Enforcement Officer**

- A. *Zoning Enforcement Officer*. The *Zoning Enforcement Officer* shall have the power and duty to administer and enforce the provisions of this Local Law. The *Zoning Enforcement Officer* shall be appointed by, and may be removed at the pleasure of, the Village Board. An appeal from an action, omission, decision or rule by the *Zoning Enforcement Officer* regarding a requirement of this Local Law may be made only to the Zoning Board of Appeals. The *Zoning Enforcement Officer* shall have the power to make inspections of *buildings or lots* necessary to carry out his or her duties in the enforcement of this Local Law. The Village Board may appoint a Deputy *Zoning Enforcement Officer* to exercise any or all of the duties of the *Zoning Enforcement Officer*.
- B. *Zoning Enforcement Officer* Duties
  1. The *Zoning Enforcement Officer* shall not issue a permit for the use of any property unless such use conforms to all laws and ordinances of the

*Village.*

2. The *Zoning Enforcement Officer* shall maintain files, open to the public, of all applications for certificates of occupancy and *building* permits along with plans submitted therewith as well as final certificates and permits.
3. The *Zoning Enforcement Officer* shall also maintain records, open to the public, of every complaint of a violation of the provisions of this Local Law as well as any action taken as a result of such complaints.
4. The *Zoning Enforcement Officer* shall submit to the *Village Board* for insertion in the Board minutes a written report summarizing for the month all *building* permits and certificates of occupancy issued, as well as complaints of violations and any action taken as a result of such complaints.

## **Section 14.03                      Planning Board**

### **A. General Provisions**

1. The Planning Board shall have all the powers and perform all the duties prescribed by state statute and by this local Law. The Planning Board shall have original jurisdiction for all matters pertaining to this Zoning Law pursuant to state statute.
2. The Planning Board consists of five members. The members and the Chairperson of such Planning Board shall be appointed by the Mayor of the *Village* subject to the Village Board of Trustees approval. In the absence of a Chairperson the Planning Board may designate a member to serve as Chairperson.
3. The Village Board may provide for the compensation of Planning Board members. The Village Board shall require Planning Board members to complete training and continuing education courses in accordance with any local requirements for the training of such members.
4. Village Board Eligibility. No *person* who is a member of the Village Board shall be eligible for membership on the Planning Board.
5. Chairperson Duties. All meetings of the Planning Board shall be held at the call of the Chairperson and at such other times as such Planning Board may determine. Such Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
6. Service on other Planning Boards. No *person* shall be disqualified from serving as a member of the Village Planning Board by reason of serving as a member of the Town or County Planning Agency.

7. Rules and Regulations. The Planning Board may recommend to the Village Board regulations relating to any subject matter over which the Planning Board has jurisdiction under this Local Law or any other statute, or under any Local Law of the *Village*. Adoption of any such recommendations by the Village Board shall be by Local Law.
8. Report on Referred Matters. The Village Board may seek input from the Planning Board where their input would help the Board make a more informed decision. The Village Board may by resolution provide for the referral of any matter or class of matters to the Planning Board before final action is taken thereon by the Village Board or other office or officer of the Village having final authority. The Village Board may further stipulate that final action shall not be taken until the Planning Board has submitted its report, or after the Planning Board has exceeded the time period set by the Village Board for the Planning Board to submit its report.

## **Section 14.04                      Zoning Board of Appeals**

### **A. General Provisions.**

1. Zoning Board of Appeals. The Zoning Board of Appeals shall have all the powers and perform all the duties prescribed by state statute and by this Local Law. The Zoning Board of Appeals shall have appellate jurisdiction for all matters pertaining to this Zoning Law.
2. Chairperson Duties. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as such Zoning Board of Appeals may determine. Such Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
3. Application for appeal shall be in writing and must be filed with the *Zoning Enforcement Officer* within sixty-two (62) days after the filing of the order, requirement, decision, interpretation, or determination that is being appealed. Such application shall refer to the specific provisions of this Local Law involved and shall specify the grounds for the *variance* requested, the interpretation claimed, or the reversal of an order, requirement, decision, or determination of an administrative official and the relief sought. The *Zoning Enforcement Officer* shall forward the application to the Zoning Board of Appeals. The Zoning Board of Appeals may request additional information.
4. Hearing on Appeal. The Zoning Board of Appeals shall fix a reasonable time within sixty-two (62) days of receipt of an appeal for the hearing of an appeal or other matter referred to it and give public notice of such hearing by publication in the official newspaper of the *Village* at least

five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Zoning Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in *person* or by agent or attorney.

5. Time of Decision. The Zoning Board of Appeals shall decide upon the appeal within sixty-two (62) days after such hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Zoning Board of Appeals.
6. Action. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify, any order, requirement, decision, interpretation, or determination made by officials charged with the enforcement of this Local Law. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use *variance* or area *variance*.
7. Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Zoning Board of Appeals not previously reheard may be made by any member of the Zoning Board of Appeals. A unanimous vote of all members of the Zoning Board of Appeals then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Zoning Board of Appeals may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Zoning Board of Appeals finds that the rights of *persons* acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.
8. Stay Upon Appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this Local Law, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court with jurisdiction on application, with notice to the administrative official from whom the appeal is taken, and for due cause shown.
9. Expiration of Appeal Decision. Unless otherwise specified by the Zoning Board of Appeals and without any further hearing by the Zoning Board of Appeals, a decision on any appeal, including the granting of area and

use *variances*, shall automatically lapse and expire if the applicant fails to exercise the *variance* or fails to obtain any necessary *building* permits within one (1) year of the date on which the decision is filed.

- B. Imposition of Conditions - The Zoning Board of Appeals shall, in the granting of both use *variances* and area *variances*, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and to specify the period of time such *variance* shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning Local Law and shall be imposed for the purpose of minimizing any adverse impact such *variance* may have on the neighborhood or community.

## **ARTICLE XV. ENFORCEMENT**

### **Section 15.01 Violations**

- A. Any *person* or corporation, whether as *owner*, lessee, agent or employee, who shall violate any of the provisions of this Local Law or who fails to comply with any order or regulation made hereunder or who *erects*, alters, moves, demolishes or uses any *building* or uses any land in violation of any detailed statement of plans submitted and approved under the provisions of this Local Law shall be guilty of a violation.
- B. Any such *person* or corporation, whether as *owner*, lessee, agent or employee, who shall violate, disobey, omit, neglect, or refuse to act in compliance with any order or regulation shall be deemed guilty of a separate offense for each day of such violation. Where the *person* committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the "*person*" for the purpose of this article. The *Zoning Enforcement Officer* shall have the authority to issue a citation to property *owners* who are in violation of this Local Law.

### **Section 15.02 Fines and Imprisonment**

A violation of this Local Law is hereby declared to be an offense punishable by a fine not exceeding three hundred fifty dollars (\$350), or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. Conviction of a second offense, both of which were committed within a period of five years, is punishable by a fine of not less than three hundred fifty dollars (\$350), nor more than seven hundred dollars (\$700), or imprisonment for a period not to exceed six months, or both. Conviction for a third or subsequent offense, all of which were committed within a period of five years, is punishable by a fine of not less than seven hundred dollars (\$700), not more than one thousand dollars (\$1000), or imprisonment for a period not to exceed six months, or both.

### **Section 15.03 Restraint and Reparation**

- A. In the event any *building* or *structure* is *erected*, constructed, reconstructed, altered, dismantled, converted or maintained, or any *building*, *structure* or land is used, or any land is divided into *lots*, blocks, or *sites* in violation or in threat of violation of this Local Law or of any ordinance or other regulation made under authority conferred thereby, or conditions imposed by a building permit, the proper local authorities of the *Village*, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, *alteration*, conversion,

maintenance, occupancy, moving, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said *building, structure*, or land or to prevent any illegal act, conduct, business or use in or about such *lot*.

- B. Additional penalties. In addition to any other remedies or penalties that may be imposed, a violation of this article shall entitle the *Village* Board to remedy or repair the conditions constituting the violation, at the premises *owner's* expense, in order to bring the premises into conformity and compliance with this article. The disbursements and expenses shall become a charge and a lien upon the premises and the same shall be added to the premises' next annual *Village* tax bill, to be collected in accordance with the provisions of law and the procedure for the payment of *Village* taxes with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the *Village* for enforcement of this Local Law.

#### **Section 15.04                      Stop-Work Order**

- A. The Village Board hereby grants the *Zoning Enforcement Officer* the administrative responsibility of immediately terminating any actions violating this article by posting a stop-work order on the premises wherein the alleged violation has occurred.
- B. The stop-work order shall serve notice to the *owner*, builder, developer, agent and/or any other individual or business on the premises that all actions specified on the stop-work order must be terminated immediately.
- C. Relief from the stop-work order can be realized as follows:
1. If all provisions of this Local Law, together with other conditions specified by the *Zoning Enforcement Officer*, are met, then the Village Board may authorize the termination of the stop-work order.
  2. Except for cases involving site plan review, if a *variance* is granted by the Zoning Board of Appeals permitting the violations specified on the stop-work order to continue thenceforth as allowable, said administrative decision shall also specify the conditions for the termination of the stop-work order.

#### **Section 15.05                      Misrepresentation**

Any permit or approval granted under this Local Law that is based upon or is granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be



void. This section shall not be construed to affect the remedies available to the Village under this Local Law.

## **Section 15.06                      Complaints of Violations**

Whenever a violation of this Local Law is alleged to have occurred, any *person* may file a written complaint in regard thereto. All such complaints shall be filed with the *Zoning Enforcement Officer*. The *Zoning Enforcement Officer* shall investigate such complaints and report about their outcomes to the Village Board.

## **ARTICLE XVI. PLANNED DEVELOPMENT DISTRICT**

### **Section 16.01**

A. Purpose. The Planned Development District (PDD) is intended to encourage creative development while fostering community amenities such as a usable open space system for residents throughout the village. Through the use of a PDD the Village of Cambridge would receive an amenity such as public park land, trails, or a fee in lieu of such amenities, in exchange an applicant may be permitted uses and/or densities of development that would not ordinarily be allowed within the existing zoning district. Approved Planned Development Districts (PDD's) are permitted through a customized, site-specific development plan and accompanying regulatory framework. Where a PDD rezoning is deemed appropriate by the Village Board, the use and dimensional requirements set forth in Section 5.02 and Section 6.02 of this Local Law are replaced by an approval process in which an approved Development Plan becomes the basis for continuing land use review and approvals.

B. Boundaries. The PDD district is a floating district not currently shown on the Zoning Map. Landowners who wish to develop according to the provisions of this section may apply to the Village Board for a zoning map amendment to rezone their land as a PDD. The Village Board has the sole discretion whether or not to approve such a rezoning based on its merits, overall benefits to the Village and compatibility with the goals of the Comprehensive Plan.

C. General Criteria. The legislative determination to establish a Planned Development District shall be based upon the following standards:

(1) Location. A PDD may be established within the RR or GC districts, if the objectives and provisions of this article are satisfied as determined by the Village Board.

(2) Developable Area. The minimum development area required to qualify for a PDD shall be twenty (20) contiguous acres of land.

(3) Ownership. The tract of land for a PDD project may consist of more than one tax parcel, however all land involved in a PDD must be under common ownership.

D. Permitted Uses in a PDD. The classification and mix of uses permitted within an area designated as a PDD shall be determined by the provisions of this section and the approved plan of the project concerned. Approval of uses for a PDD are on a case by case basis, and approval of a use for one PDD does not necessitate a similar approval for a different PDD application. The approvable land uses shall be restricted to those uses allowed within either the RR or GC district as defined in Appendix A. Uses which are prohibited from both the RR and GC district shall not

be permitted within a PDD. Uses that are unlisted in Appendix A, may be considered by the Village Board for potential as an approved use.

E. Intensity of residential land uses. In order to provide additional amenities to the Village, and prior to incentives or bonuses, the base residential density allowed within a PDD shall be determined according to in the “Village Dimension Table” for that district. The project amenity package will be considered for potential incentive to allow an increased density and/or smaller lot size per developable area above that base density and according to the following:

- (1) Increase or bonus in density and/or change in permitted land use provided by the Village in the PDD shall be commensurate with the amenity or benefit provided. As a general guideline, the amenity package proposed must be commensurate with any density increase or use change proposed, based on each additional unit beyond the base or allowed residential density and/or per 1,000 square feet of previously not permitted nonresidential (e.g., commercial) use. The Village Board may establish and maintain a required amenity schedule which outlines cash or equivalent reimbursements.
- (2) The maximum overall density of a PDD may not exceed one residential unit per acre, however individual lot sizes may be less than one acre with minimum lot sizes dictated by site constraints.
- (3) Maximum impervious surfaces within a PDD shall be set at 20% of the entire PDD area.
- (4) A minimum of 50% of the land within the PDD must be reserved as part of an amenity package.
- (5) Amenity package shall include provision of on-site and/or off-site amenities beyond measures required to service the needs of the subject project and/or beyond the measures needed to mitigate the impact of the proposed project. The amenities may include but not be limited to the following:
  - (a) Open space system open to the public including a comprehensive multi-purpose path system and conservation lands (including developable land) permanently protected by conservation easement or other measure acceptable to the village.
  - (b) Recreation amenities including parks, athletic fields beyond that required for the immediate residents of the project.
  - (c) Provision for the creation or enhancement of public facilities including public water, wastewater (sewage) and community services/public safety/transportation facilities.
  - (d) Affordable housing facilities for persons of low to moderate income.

(e) Cash payment to the Village for improvements or acquisition of public/community facilities such as improvements for parks, trails, sidewalks, water, sewer, parking, etc.

(6) Payment in Lieu: Where the Village Board determines that a suitable community benefit or amenity is not immediately feasible, or otherwise not practical, the board may require, in lieu thereof, a payment to the Village of a sum to be determined by the board. These funds shall be deposited in a trust fund to be used by the Village Board exclusively for community benefits or amenities as defined herein.

F. Establishment of a PDD.

(1) Application for establishment of a planned development district shall be made in writing to the Village Board. Application shall be made by the owner(s) of the land(s) to be included in the district or by a person or persons holding an option to purchase the lands contingent only upon approval of the application for the change of zone. In the event an application is made by a person or persons holding an option to purchase the lands, the application shall be accompanied by a statement signed by all owners of such land indicating concurrence with the application.

(2) A fee for said Application, as set by Resolution of the Village Board of Trustees, shall accompany any application.

(3) The application must include an Environmental Assessment Form (either long form or short form in compliance with the Regulations) and all necessary documentation to comply with SEQRA. No application shall be deemed complete until a Negative Declaration has been made, or until a Draft Environmental Impact Statement has been accepted by the Village Board, acting as the lead agency, as satisfactory with respect to scope, content and adequacy. An application shall be accompanied by an application fee as set by the Village Board. All application fees are in addition to any required escrow fees, and do not cover the cost of environmental review. The applicant shall be responsible for the total cost of environmental reviews that are determined to be necessary to meet the requirements of the State Environmental Quality Review Act (SEQRA). If the Board requires professional review of the application by a designated private planning, engineering, legal, or other consultants, or if it incurs other extraordinary expense to review documents or conduct special studies in connection with the proposed application, reasonable fees shall be paid for by the applicant and an escrow deposit will be required.

(4) Development Plan. The applicant shall prepare and submit a Development Plan of all lands and buildings within the area proposed for development. No application shall be reviewed or approved until a Development Plan has been

approved by the Village Board in accordance with this chapter. In addition, with the exception of repairs and ordinary building maintenance, no building permit or certificate of occupancy shall be issued for any PDD project until a Development Plan has been approved in accordance with this chapter. A Development Plan shall include the following:

- (a) Site location map. A site location map showing the location of the site in relation to existing roads, properties, structures, land uses, zoning districts, flood hazard areas, historic district boundaries, and other similar significant information for the subject property itself and all areas within 500 feet of it.
- (b) A phasing plan for all construction and development work including required infrastructure.
- (c) The location of any existing buildings on the property and their associated redevelopment or rehabilitation plans.
- (d) The location of any proposed open space and recreation areas.
- (e) Proposed Land Use. A land use plan illustrating the proposed land use patterns as well as uses for each building, including statistical summaries of the total proposed quantity and type of each land use.
- (f) Proposed Area and Bulk. Proposed area and bulk, setback and height regulations which will dictate the development.
- (g) Summary Report. A description of the proposed physical changes to the project area in a report that includes graphics and a supporting narrative. The application shall contain sufficient facts and information for the Village Board or reviewing board to make the findings required under this section. Fully engineered plans and construction details are not required at this stage in the process.

(5) The Village Board shall refer the Development Plan and its related documents to the Planning Board for review. The Planning Board shall, within 60 days of the date of referral, render either a favorable or an unfavorable report to the Village Board. The Planning Board may request a reasonable extension of time to review the proposal, if needed. A favorable report shall include a recommendation to the Village Board that a public hearing be held for the purpose of considering PDD rezoning. It shall be based on the following findings, which shall be included as part of the report:

- (a) That the proposal advances goals of the Comprehensive Plan and meets the purposes of this section.
- (b) That the site plan reasonably responds to existing site conditions, constrained lands and sensitive areas.
- (c) That the proposal is conceptually sound in that it meets a community need and it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and to one another.
- (d) That there are adequate services and utilities available or proposed to be made available in the construction of the development.

(e) The site shall be located in an area suitable for such purposes and that any objectionable conditions such as odors, noise, dust, air pollution, high traffic volumes, incompatible land uses and other environmental concerns have been sufficiently mitigated.

(f) The architectural style of the proposed development, exterior materials, finish and color shall be consistent with existing community and neighborhood character and conform to the Village Design Guidelines.

(6) An unfavorable report shall state clearly the reasons therefore and, if appropriate, point out to the applicant what might be necessary in order to receive a favorable report. The applicant may, within 30 days after receiving an unfavorable report, file a revised application with the Village Board. The Village Board may then determine on its own initiative whether or not it wishes to call a public hearing, or deny the application.

(7) Upon receipt of a favorable report from the Planning Board or upon its own determination subsequent to an appeal from an unfavorable report, the Village Board shall set a date for and conduct a public hearing for the purpose of considering the PDD rezoning for the applicant's plan. Such public hearing shall be conducted within 45 days of the receipt of the favorable report or the decision on appeal from an unfavorable report.

(8) If the Village Board grants the planned development district rezoning, the Zoning Map shall be so amended. The Village Board may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not confined to, visual and acoustical screening, land use mixes, order of construction and/or occupancy, circulation systems, both vehicular and pedestrian, protection of natural and/or historic sites and other such physical or social demands. The Village Board shall state at this time its findings with respect to the land use intensity and any applicable amenity packages.

(9) PDD rezoning shall be conditional upon the following:

(a) Securing of site plan approval in accordance with the procedures set forth in Section 9.02. Site plan approval shall be limited, however, to siting and dimensional details within general use areas and shall not significantly alter the concept plan as it was approved by the Village Board.

(b) Compliance with all additional conditions and requirements as may be set forth by the Village Board in its resolution granting the PDD.

#### G. Subdivision and Site Plan review.

(1) Upon approval of the Planned Development District by the Village Board, application shall be made within one hundred and twenty (120) days for

approval of all or some portion of the intended development, in accordance with the more specific review requirements of the Subdivision Regulations, Site Plan Review, and other applicable regulations.

(2) Conformity with Development Plan required. The Planning Board shall not approve any site plan and/or subdivision within an area covered by an approved Development Plan unless the Board finds that the site plan and/or subdivision is in substantial conformance with the approved plan and any conditions and requirements imposed by the Village Board at the time of its approval.

(3) Building projects within established districts. Application for approval of an additional building project or later phase within an established PDD shall be made in writing to the Village Board which shall follow the procedures of this section in considering an amendment to a prior approved plan. All further development or phases within a PDD shall conform to the development standards established for that district.

#### H. Amendments to Planned Development Districts.

(1) Request for changes in Development Plan. If in the site plan review it becomes apparent that certain elements of the Development Plan, as it has been approved by the Village Board, are not feasible and in need of significant modification, the applicant shall then present a solution to the Planning Board. The Planning Board shall then determine whether or not the modified site plan is still in keeping with the intent of the zoning resolution. If a negative decision is reached, the site plan shall be denied. The developer may then, if they wish, produce another site plan in conformance with the approved Development Plan. If an affirmative decision is reached, the Planning Board shall so notify the Village Board, stating all of the particulars of the matter and its reasons for feeling the project should be continued as modified. Site plan approval may then be given only with the written consent of the Village Board.

(2) Exemptions. Proposed changes to a previously-established PDD will be exempt from the formal amendment process if any or all of the following conditions are the only changes proposed:

- (a) Decrease of height or floor area of any approved project or program element or,
- (b) Reduction or elimination of any non-required parking spaces or,
- (c) Change to an approved building resulting in a net impact of less than five percent of total gross square footage.

(3) Determination of Amendment. Minor and Major - The ZEO shall determine whether a proposed amendment is a minor or major change to the approved site plan.

(a) Minor amendment. In making its determination, the ZEO shall make findings of fact upon which the decision shall be based. The officer must find that the effect of approving the amendment would have no significant additional adverse impact on the site or nearby neighborhood relative to the impact of the previously-approved plan. A minor amendment may be approved by the planning board subsequent to a public hearing.

(b) Major amendment. A major amendment is any change to a master plan and/or development standards and development program that has not been classified as “minor”. A major amendment shall only be approved by the Village Board following the procedure described in the establishment of a PDD in this section.

I. Effect of Conditions. All conditions imposed by the Village Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of any part of the entire site, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any or all of said area. Such conditions shall further be a part of any Certificate of Occupancy or Use issued for any use or structure in such development.

(Entire Article Added by Amendment March 7, 2012)

## **ARTICLE XVII. MISCELLANEOUS**

### **Section 16.01 Amendments**

A. This Local Law may from time to time be amended. An amendment shall be effected by a simple majority vote of three (3) members of the *Village* Board of Trustees, or by/of four (4) members of the *Village* Board of Trustees in the event that such amendment is the subject of a written protest presented to the Board and signed by:

1. The *owners* of 20% or more of the area of land included in such proposed change; or
2. The *owners* of 20% or more of the area of land immediately adjacent to that land included in such proposed change, extending 100 feet therefrom; or
3. The *owners* of 20% or more of the area of land directly opposite thereto, extending 100 feet from the *lot frontage* of such opposite land.

### **Section 16.02 Amendment Procedure**

A. The *Village* Board of Trustees shall provide for the manner in which such regulations, restrictions and the boundaries of such districts, including any amendments thereto, shall be determined, established and enforced.



However, no such regulations, restrictions or boundaries shall become effective until after a public hearing in relation thereto, at which the public shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be published in the official newspaper of the *Village*.

- B. Service of written notice. At least ten days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including amendments thereto, affecting property within 500 feet of the following shall be served personally or by mail by the *Village* upon each *person* or *persons* as listed below:
  - 1. The property of the housing authority erecting or owning workforce housing authorized under the Public Housing Law: upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.
  - 2. The boundary of a city, *Village* or *village*: upon the Clerk thereof.
  - 3. The boundary of a county: upon the Clerk of the Board of Supervisors or other person performing like duties.
- C. Public hearing. The public, including those served notice pursuant to this Local Law, shall have the opportunity to be heard at the public hearing. Those parties set forth in Subsection B (1), (2), (3) and (4) above, however, shall not have the right of review by a court as hereinafter provided.
- D. Additional requirements. The procedural requirements set forth herein shall be in addition to the requirements of the provisions of §§ 239-l and 239-m of the General Municipal Law relating to review by a county planning agency or regional planning council; the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations which are codified in Part 617 of Title 6 of the New York Codes, Rules and Regulations and any other general laws relating to land use and any amendments thereto.
- E. Filing. Every zoning law and every amendment thereto (excluding any map incorporated therein) adopted shall be entered in the minutes of the *Village* Board and a copy, summary or abstract thereof (exclusive of any map incorporated therein) shall be published once in the official newspaper, and a copy of such Local Law or amendment, together with a summary or abstract of any map incorporated therein, shall be posted conspicuously at or near the main entrance to the office of the *Village* Clerk, and affidavits of the publication and posting thereof shall be filed with the *Village* Clerk. Such

minutes shall describe and refer to any map adopted in connection with such Local Law or amendment.

F. Map. Each *Village* Clerk shall maintain every map adopted in connection with a zoning local law or amendment.

G. Effective date. Such Local Laws shall take effect upon filing in the office of the Secretary of State, but such Local Laws or amendments shall take effect from their date of service as against a *person* served personally with a copy thereof, certified by the *Village* Clerk, and showing the date of passage and entry in the minutes.

### **Section 16.03                      Precedence of More Restrictive Standards**

Wherever the requirements of this Local Law are at *variance* with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

### **Section 16.04                      Severability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

### **Section 16.05                      Repealer**

The zoning ordinance known as the Zoning Ordinance of the Village of Cambridge, New York adopted June 17, 1974, and all amendments thereto, are hereby repealed, with the provision that violations of such Zoning Ordinance of 1974, and all amendments thereto, shall remain violations to the extent that the matters in violation do not conform to the provisions of this zoning law.

### **Section 16.06                      Effective Date**

Provisions of this Chapter become effective immediately upon filing with the Office of the Secretary of State of the State of New York.

## APPENDIX A

### Allowable Use Groups Chart

- A. In the following Allowable Use Groups Chart the symbol “P” means the use is allowed as of right, the symbol “SP” means the use requires a special permit, and the symbol “X” means the use is not allowed in that particular district.
- B. Notwithstanding the foregoing, the following shall be subject to Site Plan Review provisions:
1. All new Business Group Uses.
  2. All new Community Group Uses.
  3. All new, or changes to, uses within the Main Street Mixed-Use District.
  4. All new, or changes to, uses within any Overlay District.
  5. All uses requiring a *Special Use Permit*.

## Appendix A (continued) - Allowable Use Groups Chart

Allowable Use Group	MU	GC	RT	VR	RR	I
<b>Business Use Group</b>						
<i>Adult Entertainment Establishment</i>	X	X	X	X	X	SP
<i>Amusement facility</i>	SP	SP	X	X	X	<u>SP</u>
<i>Auto service station</i>	SP	SP	X	X	X	<u>SP</u>
<i>Automotive repair station</i>	SP	SP	X	X	X	SP
<i>Craft workshop</i>	P	P	SP	X	X	P
<i>Funeral home</i>	P	P	SP	SP	X	X
<i>General office</i>	P	P	X	X	X	P
<i>Home occupation: Level 2</i>	P	P	SP	SP	SP	X
<i>Professional office</i>	P	P	SP	X	X	P
<i>Recreational business</i>	<u>SP</u>	P	X	X	SP	<u>SP</u>
<i>Restaurant / Eatery</i>	SP	SP	SP	X	X	SP
<i>Retail business</i>	P	P	SP	X	X	P
<i>Service business</i>	P	P	SP	X	X	P
<i>Tavern</i>	SP	SP	X	X	X	<u>SP</u>
<i>Telecommunication Facility / Tower</i>	X	X	X	X	X	SP
<i>Hotel / Motel</i>	SP	SP	X	X	X	X
<i>Inn</i>	P	P	X	X	SP	X
<i>Bed and Breakfast establishment</i>	P	P	SP	SP	SP	X
<i>Drive-through establishments</i>	SP	SP	X	X	X	X
<i>Light Industrial</i>	<u>SP</u>	SP	X	X	X	SP
<i>Self-storage</i>	X	X	X	X	X	SP
<i>Warehousing</i>	<u>SP</u>	X	X	X	X	P
<i>Day care center</i>	P	P	X	X	X	X
<b>Residential Use Group</b>						
<i>Agricultural Use with Livestock</i>	X	X	X	X	P <sup>1</sup>	X
<i>Agricultural use without Livestock</i>	X	P	P	P	P	P
<i>Dwelling, accessory unit</i>	X	X	SP	SP	SP	X
<i>Dwelling, upper-floor apartments</i>	SP	SP	SP	X	X	X
<i>Bed-and-Breakfast home</i>	P	P	SP	SP	SP	X
<i>Dwelling, single-family</i>	X	<u>SP</u>	P	P	P	X
<i>Dwelling, two-family</i>	X	<u>SP</u>	SP	SP	SP	X
<i>Dwelling, multi-family</i>	X	SP	SP	SP	X	X
<i>Nursing home</i>	SP	SP	X	X	SP	X
<i>Day care, family</i>	X	<u>SP</u>	P	P	P	X
<i>Day care, family group</i>	X	<u>SP</u>	P	P	P	X
<i>Mobile Homes in a Mobile Home Park</i>	X	X	X	P	X	X
<i>Home occupations: Level 1</i>	P	P	P	P	P	X
<i>Outdoor Furnaces</i>	X	X	X	X	SP	X
<b>Community Use Group</b>						
<i>Cemetery</i>	X	X	SP	SP	SP	X
<i>Educational use</i>	SP	SP	X	X	SP	X
<i>Hospital</i>	SP	SP	X	X	SP	X
<i>Library</i>	P	P	SP	X	X	X
<i>Lodge or club</i>	P	P	SP	X	X	<u>SP</u>
<i>Municipal use</i>	P	P	P	P	P	P
<i>Religious institution</i>	SP	SP	SP	SP	SP	<u>SP</u>
<i>Public Safety</i>	SP	SP	SP	X	SP	<u>SP</u>
<b>Land Conservation Use Group</b>						
<i>Active recreation</i>	SP	SP	SP	SP	SP	SP
<i>Passive recreation</i>	P	P	P	P	P	P

<sup>1</sup> See Section 5.08: *Agricultural Use with Livestock* in the RR District

P = Permitted, SP = Special Permit Required, X = Prohibited

## APPENDIX B

### Village Dimension Table

Requirements	MU	GC	RT	VR	RR	I
Minimum <i>lot area</i> (square feet)	4,000	30,000	4,000	8,000	80,000	75,000
Minimum <i>front yard setback</i> (feet)	0	20	10	10	10	20
Maximum <i>front yard setback</i> (feet)	5	40	30	30	40	30
Minimum <i>side yard setback</i> (feet)	0	10	10	10	40	20
Maximum <i>side yard setback</i> (feet)	30	-	-	-	-	-
Minimum <i>rear yard setback</i> (feet)	15	25	25	25	40	20
Minimum <i>lot frontage</i> (feet)	40	150	40	40	100	100
Minimum <i>lot width</i> at any point (feet)	40	100	40	40	100	50
Maximum <i>building height</i> (feet) *	40	40	40	40	40	40
Maximum impervious surface (%)	100%	50%	50%	30%	15%	30%
Maximum <i>building footprint</i> (sq. feet)	10,000	10,000	-	-	-	-
Minimum <i>frontage build-out</i> (%)	90 %	-	-	-	-	-

\* The following *structures* are exempt from *height* requirements: church steeples, water towers, fixed radio *antennas*, and public monuments.

## APPENDIX C

### Off Street Parking Table

Key: X = no off-street parking requirement  
NA = not applicable

Use Groups	MU	GC	RT	VR	RR	I
<b><i>Business Use Group</i></b>						
<i>Amusement facility</i>	X	1 per 200 sq. ft.	NA	NA	NA	NA
<i>Auto service station</i>	as determined by site plan	as determined by site plan	NA	NA	NA	NA
<i>Automotive repair station</i>	as determined by site plan	as determined by site plan	NA	NA	NA	as determined by site plan
<i>Craft workshop</i>	X	1 per 500 sq. ft.	X	NA	NA	1 per 500 sq. ft.
<i>Funeral home</i>	X	1 per 200 sq. ft.	X	1 per 200 square feet	NA	NA
<i>General office</i>	X	1 per 500 sq. ft.	NA	NA	NA	1 per 500 sq. ft.
<i>Home occupation: Level 2</i>	X	X	X	X	X	NA
<i>Professional office</i>	X	1 per 500 sq. ft.	X	NA	NA	NA
<i>Recreational business</i>	X	as determined by site plan	NA	NA	as determined by site plan	as determined by site plan
<i>Restaurant / Eatery</i>	X	1 per 500 sq. ft.	X	NA	NA	1 per 500 sq. ft.
<i>Retail business</i>	X	1 per 500 sq. ft.	X	NA	NA	1 per 500 sq. ft.
<i>Service business</i>	X	1 per 500 sq. ft.	X	NA	NA	1 per 500 sq. ft.
<i>Tavern</i>	X	1 per 500 sq. ft.	NA	NA	NA	NA
<i>Personal Wireless Radio Telecommunications Facilities: Level 1</i>	X	X	X	X	X	X
<i>Personal Wireless Radio Telecommunications Facilities: Level 2</i>	NA	NA	NA	NA	NA	X
<i>Hotel / Motel</i>	X	1.25 per unit	NA	NA	NA	NA
<i>Inn</i>	X	1.25 per unit	NA	NA	1.25 per unit	NA
<i>Bed &amp; Breakfast establishment</i>	X	1.25 per unit	X	NA	1.25 per unit	NA
<i>Drive-through establishments</i>	X	as determined by site plan	NA	NA	NA	NA
<i>Light Industrial</i>	NA	1 per employee	NA	NA	NA	1 per employee
<i>Self-Storage</i>	NA	NA	NA	NA	NA	as determined by site plan

Use Groups	MU	GC	RT	VR	RR	I
<i>Warehousing</i>	NA	NA	NA	NA	NA	1 per employee
<i>Day care center</i>	X	1 per 400 sq. ft.	NA	NA	NA	NA
<b><i>Residential Use Group</i></b>						
<i>Agricultural use</i>	NA	X	X	X	X	X
<i>Dwelling, accessory unit</i>	NA	NA	1 per unit	1 per unit	1 per unit	NA
<i>Dwelling, upper-floor apartments</i>	1 per unit	1 per unit	1 per unit	NA	NA	NA
<i>Bed &amp; Breakfast home</i>	1 per sleep room	1 per sleep room	1 per sleep room	1 per sleep room	1 per sleep room	NA
<i>Dwelling, single-family</i>	NA	NA	1 per unit	2 per unit	2 per unit	NA
<i>Dwelling, two-family</i>	NA	NA	1 per unit	2 per unit	2 per unit	NA
<i>Dwelling, multi-family</i>	NA	2 per unit	1 per unit	2 per unit	2 per unit	NA
<i>Nursing home</i>	X	.5 min. to 1 max. per unit	NA	NA	.5 min to 1 max per unit	NA
<i>Day care, family</i>	NA	NA	X	X	X	NA
<i>Day care center, family group</i>	NA	NA	X	X	X	NA
<i>Mobile Homes in Mobile Home Park</i>	NA	NA	NA	1 per unit	NA	NA
<i>Home occupations: Level 1</i>	NA	NA	NA	NA	NA	NA
<b><i>Community Use Group</i></b>						
<i>Educational Use</i>	X	1 for each vehicle owned and operated by the school, plus 1 for every 5 min. to 25 max. students by design capacity	NA	NA	1 for each vehicle owned and operated by the school, plus 1 for every 5 min. to 25 max. students by design capacity	NA
<i>Hospital</i>	X	1 for each vehicle owned and operated by the hospital, plus 1 per 2 patient beds	NA	NA	1 for each vehicle owned and operated by the hospital, plus 1 per 2 patient beds	NA
<i>Library</i>	X	1 per 400 max. to 1,000 min. sq. ft.	X	NA	NA	NA
<i>Lodge or Club</i>	X	1 per 200 max. to 400 min. sq. ft.	X	NA	NA	NA
<i>Religious institution</i>	X	1 per 2 max. to 8 min. seats	X	1 per 2 max. to 8 min. seats	1 per 2 max. to 8 min. seats	NA

Use Groups	MU	GC	RT	VR	RR	I
<i>Active Recreation</i>	X	as determined by site plan	X	as determined by site plan	as determined by site plan	as determined by site plan
<i>Passive Recreation</i>	X	as determined by site plan	X	as determined by site plan	as determined by site plan	as determined by site plan

Any non-whole number shall be rounded up to the next whole number.



## **APPENDIX D**

### **Design Guidelines**

## **APPENDIX E**

### **Zoning District Map**